

**SATURDAY, MAY 21, 2011**

**THIRTY-NINTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Senator Henry.

**PLEDGE OF ALLEGIANCE**

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

**STANDING COMMITTEE REPORTS**

**TRANSPORTATION AND SAFETY**

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: House Joint Resolutions Nos. 53, 179, 200, 217 and 304.

TRACY, Chairperson  
May 21, 2011

The Speaker announced that he had referred House Joint Resolutions Nos. 53, 179, 200, 217 and 304 to the Committee on Calendar.

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolutions Nos. 353 and 354; and House Joint Resolutions Nos. 125, 197, 397, 398 and 425.

YAGER, Chairperson  
May 21, 2011

## SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Joint Resolutions Nos. 353 and 354; and House Joint Resolutions Nos. 125, 197, 397, 398 and 425 to the Committee on Calendar.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 603, 837, 889, 940, 1030, 1264, 1353, 1501, 1618 and 1729** be passed on first consideration, which motion prevailed.

### HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 603** -- Senior Citizens -- As introduced, requires reports to and by the select committee on long-term care concerning recent long-term care reform legislation. Amends TCA Title 68 and Title 71.

**House Bill No. 837** -- Education -- As enacted, enacts the "Move on When Ready Act". Amends TCA Title 49.

**House Bill No. 889** -- Taxes, Income -- As introduced, exempts income derived from cemetery trusts from state and local taxation. Amends TCA Title 46, Chapter 7, Part 1 and Title 67, Chapter 2, Part 1.

**House Bill No. 940** -- Special License Plates -- As introduced, authorizes issuance of Tennessee cave salamander special license plates; funds produced from such plates deposited in wildlife resources fund for conservation of game species. Amends TCA Title 55, Chapter 4.

**House Bill No. 1030** -- Education -- As introduced, enacts "The Virtual Public Schools Act". Amends TCA Title 49.

**House Bill No. 1264** -- Economic and Community Development, Dept. of -- As introduced, requires ECD to report annually to office of legislative budget analysis in addition to joint select committee on business taxes regarding Tennessee job skills program. Amends TCA Title 4; Title 6; Title 7, Chapter 53; Title 8, Chapter 23; Title 8, Chapter 24; Title 9, Chapter 16; Title 9, Chapter 3; Title 13, Chapter 3; Title 13, Chapter 16; Title 49, Chapter 7; Title 50, Chapter 7; Title 64, Chapter 6; Title 65, Chapter 5 and Title 67.

**House Bill No. 1353** -- Homeland Security -- As introduced, enacts the "Material Support to Designated Entities Act of 2011". Amends TCA Title 38; Title 39; Title 40; Title 45; Title 55 and Title 58.

**House Bill No. 1501** -- Sexual Offenses -- As introduced, makes a person who is charged with sexual exploitation of a minor ineligible for suspension of prosecution and pretrial diversion. Amends TCA Title 40, Chapter 15.

**House Bill No. 1618** -- Schools, Charter -- As introduced, allows cities that do not operate city school systems to sponsor charter schools. Amends TCA Title 49, Chapter 13.

**House Bill No. 1729** -- Tobacco, Tobacco Products -- As introduced, prohibits sale of electronic cigarettes to minors; prohibits distribution and sale of nicotine delivery products or devices that have not been approved by FDA as tobacco use cessation products. Amends TCA Title 39, Chapter 17, Part 15 and Title 39, Chapter 17, Part 1.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 462 through 465**; and **Senate Resolutions Nos. 66 through 69** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 462** by Senator Beavers.  
Memorials, Retirement -- Douglas Thurley.

**Senate Joint Resolution No. 463** by Senator Ford.  
Memorials, Academic Achievement -- Miracle Durham, high school graduate.

**Senate Joint Resolution No. 464** by Senator Ford.  
Memorials, Recognition -- Booker T. Washington High School, winner of the 2011 Race to the Top High School Commencement Challenge.

**Senate Joint Resolution No. 465** by Senator Herron.  
Memorials, Death -- Chris Lantz.

**Senate Resolution No. 66** by Senator Woodson.  
Memorials, Interns -- Stephanie Sparr.

**Senate Resolution No. 67** by Senator Herron.  
Memorials, Academic Achievement -- Lindsey Nicole Blankenship, Class Historian, Lexington High School.

**Senate Resolution No. 68** by Senator Herron.  
Memorials, Academic Achievement -- Rebecca Sue Scott, Valedictorian, Lexington High School.

**Senate Resolution No. 69** by Senator Herron.  
Memorials, Academic Achievement -- Jake Tyler Wysiadlowski, Salutatorian, Lexington High School.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 219 and 340**; and **Senate Joint Resolution No. 457** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

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**House Joint Resolution No. 219** -- General Assembly, Studies -- Creates a special joint committee to conduct a comprehensive review of the laws of this state concerning homeowners associations.

The Speaker announced that he had referred House Joint Resolution No. 219 to the Committee on Delayed Bills.

**House Joint Resolution No. 340** -- General Assembly, Directed Studies -- Creates a special joint committee to study the feasibility of establishing a system to make certain health-related boards and commissions more autonomous.

The Speaker announced that he had referred House Joint Resolution No. 340 to the Committee on Delayed Bills.

**Senate Joint Resolution No. 457** -- General Assembly, Statement of Intent or Position -- As introduced, directs TDOT to designate State Route 22 from Martin to Union City as an interstate highway link to I-69.

The Speaker announced that he had referred Senate Joint Resolution No. 457 to the Committee on Transportation and Safety.

### **MOTION**

Senator Tracy moved that **Senate Bills Nos. 1684 and 672** be placed after **Senate Bill No. 2008** on Calendar No. 1 for today, which motion prevailed.

### **MOTION**

Senator Crowe moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 1 consisting of the following resolutions: **Senate Joint Resolutions Nos. 462, 463, 464 and 465; Senate Resolutions Nos. 66, 67, 68 and 69; and House Joint Resolutions Nos. 498, 499, 500, 501, 502 and 503**, which motion prevailed.

### **CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 462** -- Memorials, Retirement -- Douglas Thurley.

**Senate Joint Resolution No. 463** -- Memorials, Academic Achievement -- Miracle Durham, high school graduate.

**Senate Joint Resolution No. 464** -- Memorials, Recognition -- Booker T. Washington High School, winner of the 2011 Race to the Top High School Commencement Challenge.

**Senate Joint Resolution No. 465** -- Memorials, Death -- Chris Lantz.

**Senate Resolution No. 66** -- Memorials, Interns -- Stephanie Sparr.

**Senate Resolution No. 67** -- Memorials, Academic Achievement -- Lindsey Nicole Blankenship, Class Historian, Lexington High School.

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**Senate Resolution No. 68** -- Memorials, Academic Achievement -- Rebecca Sue Scott, Valedictorian, Lexington High School.

**Senate Resolution No. 69** -- Memorials, Academic Achievement -- Jake Tyler Wysiadlowski, Salutatorian, Lexington High School.

**House Joint Resolution No. 498** -- Memorials, Retirement -- Ray Crouch, Sr.

**House Joint Resolution No. 499** -- Memorials, Recognition -- Lionel Hollins.

**House Joint Resolution No. 500** -- Memorials, Recognition -- Workers of the 1968 Memphis Sanitation Strike.

**House Joint Resolution No. 501** -- Memorials, Recognition -- Leadership Middle Tennessee, Class of 2011.

**House Joint Resolution No. 502** -- Memorials, Retirement -- Command Sergeant Major Mark A. Breece.

**House Joint Resolution No. 503** -- Memorials, Recognition -- Mike Hollingshead.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**MOTION**

Senator Crowe moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering the Local Bill Consent Calendar consisting of the following bills: **Senate Bills Nos. 2112 and 2119**, which motion prevailed.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 2112** -- Cumberland County -- As introduced, subject to local approval, increases the hotel / motel tax from an amount not to exceed 5% to an amount not to exceed 7.5%. Amends Chapter 145 of the Private Acts of 1979.

On motion, Senate Bill No. 2112 was made to conform with **House Bill No. 2154**.

On motion, House Bill No. 2154, on same subject, was substituted for Senate Bill No. 2112.

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**Senate Bill No. 2119** -- Kingston -- As introduced, subject to local approval, moves the date of the city election to coincide with the November general election; extends the four-year terms of office of the mayor and councilmen elected at the regular city election held in June 2009 or June 2011 to expire December 1, 2014 or 2016. Amends Chapter 298 of the Private Acts of 1972.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**STATEMENT OF SENATOR STACEY CAMPFIELD  
PURSUANT TO RULE 61  
June 14, 2011**

My intent was a "no" vote on Senate Bill No. 2112.

**MOTION**

Senator Crowe moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering Calendar No. 1 consisting of the following bills and resolutions: **Senate Bills Nos. 1518, 1519, 2090, 2091, 2094, 2117, 2093, 672, 1740, 1993, 2017, 1996, 2008, 1850 and 252; House Bill No. 432; Senate Bills Nos. 109, 370, 372, 803, 910, 1004, 1033 and 1709; House Bill No. 334; Senate Bills Nos. 874, 873, 624, 1646, 39, 40, 64, 69, 77, 247, 261, 343, 267, 409, 476, 541, 542, 546, 601, 605, 633, 664, 690, 816, 833, 869, 1028, 1088, 1100, 1161, 1666, 1684, 1869 and 2114; and House Joint Resolutions Nos. 194 and 360**, which motion prevailed.

**CALENDAR NO. 1**

**Senate Bill No. 1518** -- Taxes, Inheritance Gift -- As introduced, revises the manner in which a person may request an extension to file gift tax returns and specifies that the extension would be for six months. Amends TCA Title 7; Title 49; Title 55; Title 57 and Title 67.

On motion, Senate Bill No. 1518 was made to conform with **House Bill No. 1995**.

On motion, House Bill No. 1995, on same subject, was substituted for Senate Bill No. 1518.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1995** passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 1519** -- Taxes -- As introduced, revises various tax provisions including provisions regarding gains on sales of assets designated as goodwill and Class VII assets, local option taxes with respect to industrial and farm machinery, sales tax credits to dealers, and electronic tax return filings and payments. Amends TCA Title 55; Title 67 and Chapter 1134 of the Public Acts of 2010.

On motion, Senate Bill No. 1519 was made to conform with **House Bill No. 1994**.

On motion, House Bill No. 1994, on same subject, was substituted for Senate Bill No. 1519.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1994** passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2090** -- Appropriations -- As introduced, makes appropriations for fiscal years beginning July 1, 2010, and July 1, 2011.

On motion, Senate Bill No. 2090 was made to conform with **House Bill No. 2139**.

On motion, House Bill No. 2139, on same subject, was substituted for Senate Bill No. 2090.

On motion of Senator Stewart, Amendment No. 1 was withdrawn.

On motion of Senator Finney, Amendment No. 2 was withdrawn.

On motion of Senator Finney, Amendment No. 3 was withdrawn.

On motion of Senator Marrero, Amendment No. 4 was withdrawn.

On motion of Senator Campfield, Amendment No. 5 was withdrawn.

On motion of Senator McNally, Amendment No. 6 was withdrawn.

On motion of Senator McNally, Amendment No. 7 was withdrawn.

**RECESS**

Mr. Speaker Ramsey moved the Senate stand in recess to hear remarks from Mr. Bill Bradley, which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**CALENDAR NO. 1**

**FURTHER ACTION ON HOUSE BILL NO. 2139**

Thereupon, **House Bill No. 2139** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2091** -- Appropriations -- As introduced, assigns the state employee staff responsible for the administration of the group insurance for state officials and employees to the Department of Finance and Administration; requires that grant payments under the grant assistance program for nursing home care be made monthly or quarterly instead of monthly. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 30; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

On motion, Senate Bill No. 2091 was made to conform with **House Bill No. 2138**.

On motion, House Bill No. 2138, on same subject, was substituted for Senate Bill No. 2091.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

On motion of Senator Norris, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2138** passed its third and final consideration by the following vote:



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Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2094** -- Bond Issues -- As introduced, authorizes the state to issue and sell bonds of up to \$273 million.

On motion, Senate Bill No. 2094 was made to conform with **House Bill No. 2135**.

On motion, House Bill No. 2135, on same subject, was substituted for Senate Bill No. 2094.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2135** passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2117** -- Bond Issues -- As introduced, authorizes the state to issue and sell bonds of up to \$150 million.

On motion, Senate Bill No. 2117 was made to conform with **House Bill No. 2158**.

On motion, House Bill No. 2158, on same subject, was substituted for Senate Bill No. 2117.

**House Bill No. 2158** passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

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A motion to reconsider was tabled.

**Senate Bill No. 2093** -- Budget Procedures -- As introduced, authorizes the index of appropriations from state tax revenues for 2010-2011 fiscal year to exceed the index of estimated growth in the state's economy by \$250 million or 2.15 percent. Amends TCA Title 9, Chapter 4, Part 52.

On motion, Senate Bill No. 2093 was made to conform with **House Bill No. 2136**.

On motion, House Bill No. 2136, on same subject, was substituted for Senate Bill No. 2093.

**House Bill No. 2136** passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	0

Senators voting aye were: Barnes, Bell, Berke, Burks, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

**Senate Bill No. 1740** -- Gambling -- As introduced, permits uses of gambling devices or records by the manufacturer if those uses are ancillary to the manufacturing process. Amends TCA Title 39, Chapter 17.

On motion, Senate Bill No. 1740 was made to conform with **House Bill No. 1565**.

On motion, House Bill No. 1565, on same subject, was substituted for Senate Bill No. 1740.

On motion of Mr. Speaker Ramsey, Amendment No. 1 was withdrawn.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-505(a)(5), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(5) It shall not be an offense for a manufacturer of gambling devices to knowingly own, manufacture, assemble, design, possess, buy, sell, rent, lease, store, repair, transport, print or make any gambling device or record solely intended for gambling outside of this state and in compliance with the laws of the United States. The requirement that the manufacturing, selling or leasing of gambling devices be intended solely for gambling outside of the state shall not restrict uses of the gambling devices by the manufacturer that are ancillary or accessory to the manufacturing, selling or leasing process or business, including, but not limited to, using the gambling devices for research and development, employee training,

compliance program initiatives, testing and quality assurance processes, showroom display, leasing or purchasing or selling of gambling devices or parts or equipment, storage or warehousing of gambling devices or parts or equipment, maintenance or refurbishing of gambling devices or parts or equipment, and safekeeping of gambling devices or parts or equipment for future litigation. Also considered ancillary or accessorial to the manufacturing, selling or leasing process or business shall be the use or operation of computers, computer servers, and similar electronic devices, hardware and software, and all gambling records, data or information owned, maintained or stored thereupon, or produced, generated, created, printed, transported or transmitted therefrom, whether paper, electronic or otherwise, in conjunction with legal gambling and in compliance with the laws of the United States. Ancillary or accessorial uses shall not include use of the gambling devices or records that would allow persons physically present in the State of Tennessee to place gambling bets. This subdivision (a)(5) shall not apply unless the manufacturer meets or exceeds federal government requirements pursuant to 15 U.S.C. § 1171 et seq., and any regulations promulgated pursuant to 15 U.S.C. § 1171 et seq., and provides the secretary of state with a copy of the request for registration pursuant to 15 U.S.C. § 1173, together with copies of each gambling license or permit issued by any regulatory authority, including, but not limited to, any state, country, federally recognized tribe or United States territory, and pays a ten thousand dollar (\$10,000) fee prior to January 1st of that year. Additionally, the manufacturer shall provide the secretary of state with proof of annual registration under 15 U.S.C. § 1173 with the office of the United States Attorney General within thirty (30) days of the receipt thereof.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 1565**, as amended, passed its third and final consideration by the following vote:

Ayes .....	27
Noes .....	5

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Bell, Finney, Henry, Herron and Kyle--5.

A motion to reconsider was tabled.

## **MOTION**

Senator Norris moved that **Senate Bill No. 2114** be considered next, out of order, which motion prevailed.

**CALENDAR NO. 1**

**Senate Bill No. 2114** -- Unemployment Compensation -- As introduced, extends certain period relating to eligibility for unemployment compensation benefits in accord with option provided by Public Law 111-132. Amends TCA Title 50, Chapter 7.

On motion, Senate Bill No. 2114 was made to conform with **House Bill No. 2156**.

On motion, House Bill No. 2156, on same subject, was substituted for Senate Bill No. 2114.

On motion of Senator Norris, Amendment No. 1 was withdrawn.

On motion of Senator Norris, Amendment No. 2 was withdrawn.

On motion of Senator McNally, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2156** passed its third and final consideration by the following vote:

Ayes .....	20
Noes .....	12

Senators voting aye were: Barnes, Berke, Burks, Crowe, Faulk, Finney, Ford, Harper, Henry, Herron, Kyle, Marrero, Norris, Overbey, Southerland, Stewart, Tate, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Beavers, Bell, Campfield, Gresham, Johnson, Kelsey, Ketron, McNally, Roberts, Summerville, Tracy and Watson--12.

A motion to reconsider was tabled.

**Senate Bill No. 1993** -- Education -- As introduced, enacts the "Special Education Behavioral Supports Act", amending current restrictions on isolation and restraint in special education. Amends TCA Title 49, Chapter 10, Part 13.

On motion, Senate Bill No. 1993 was made to conform with **House Bill No. 1336**.

On motion, House Bill No. 1336, on same subject, was substituted for Senate Bill No. 1993.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, 49-10-1301, is amended by deleting the language "Special Education Isolation and Restraint Modernization and Positive Behavioral Supports Act", and by substituting instead the language "Special Education Behavioral Supports Act".

SECTION 2. Tennessee Code Annotated, Section 49-10-1303(2), is amended by deleting the subdivision in its entirety, and by substituting instead the following:

(2) "Isolation" or "seclusion":

(A) Means the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to § 49-10-1305(g) where the student is physically prevented from leaving; and

(B) Does not include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, time-out may involve the voluntary separation of an individual student from others;

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 10, Part 13, is amended by adding the following language as a new, appropriately designated section:

49-10-13\_\_\_. If a private school or agency contracts with an LEA to provide services for students with disabilities, then such private school or agency shall, in the contract for services, certify that the staff of the facility or program has received training in the appropriate use of restraint and isolation. Further, the contracting agency shall report to a designated LEA representative each instance of the use of restraint and isolation to accomplish the parental notification provided in this part.

SECTION 4. Tennessee Code Annotated, Section 49-10-1303, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Behavior intervention training program" means a training program in positive behavioral supports, crisis intervention and the safe use of restraint and isolation;

( ) "Emergency situation" means that a child's behavior poses a threat to the physical safety of the student or others nearby;

( ) "Isolation room" means any space, structure, or area pursuant to § 49-10-1305(g) used to isolate a student;

( ) "Positive behavioral supports" means a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that:

(A) Is proactive and instructional, rather than reactive and punitive;

(B) Operates on the following three (3) levels:

(i) Individual;

(ii) Group or classroom; and

(iii) The whole school;

(C) Includes a system of continual data collection;

(D) Utilizes data-based decision-making;

(E) Applies research-validated positive behavioral interventions; and

(F) Improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs;

SECTION 5. Tennessee Code Annotated, Section 49-10-1304(a), is amended by deleting the subsection in its entirety, and by substituting instead the following:

(a) A student receiving special education services, as defined by § 49-10-102, may be restrained or isolated only in emergency situations.

SECTION 6. Tennessee Code Annotated, Section 49-10-1304, is amended by adding the following new subsections immediately after subsection (a) and by redesignating the subsequent subsections accordingly:

(b) Individualized education programs that provide for the use of restraint or isolation in emergency situations shall also contain a data driven functional behavior assessment and a plan for modification of the behavior developed and implemented by a qualified team of professionals.

(c) In the event that restraint or isolation is imposed on a student, it shall be imposed by:

(1) School personnel who have been certified for completing a behavior intervention training program; or

(2) Other school personnel when trained personnel are not immediately available.

SECTION 7. Tennessee Code Annotated, Section 49-10-1304(b)(1), is amended by deleting the language "School personnel shall be held harmless if reasonable effort has been made to comply with this subdivision (b)(1)". in its entirety, and by substituting instead the language "School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian in compliance with this subdivision (b)(1)".

SECTION 8. Tennessee Code Annotated, Section 49-10-1304(c), is amended by deleting the subsection in its entirety, and by substituting instead the following:

(c)(1) School personnel who must isolate or restrain a student receiving special education services, as defined by § 49-10-102, shall report the incident to the school principal or the principal's designee who shall record the use of the isolation or restraint and the facts surrounding such use. The State Board of Education shall promulgate rules that mandate a standard reporting format to be used by LEAs.

(2) Whenever possible, an additional school staff member should serve as an observer to any act of physical restraint performed on a student to monitor the health and safety of all involved. School personnel shall maintain a continuous direct line of sight to a student who is in isolation to monitor the health and well-being of the student.

(d) To the extent possible within the local education agency's funds, the local board of education should address § 49-6-3004(c)(1) by incorporating the following components into its behavior intervention training program:

(1) Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;

(2) Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;

(3) Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;

(4) Information describing state statutes, policies, rules, and procedures on restraint and isolation;

(5) Training in the identification and reporting of abuse and neglect in the school setting; and

(6) Certification for school personnel who have completed a behavior intervention training program which should be renewed on a periodic basis.

SECTION 9. Tennessee Code Annotated, Section 49-10-1305(e), is amended by adding the following language as a new subdivision immediately after subdivision (e)(1) and redesignating the subsequent subdivisions accordingly:

(2) Removing or disabling any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker, as a means of coercion, punishment, convenience, or retaliation on any student receiving special education services, as defined by § 49-10-102, is prohibited.

SECTION 10. Tennessee Code Annotated, Section 49-10-1305(f), is amended by deleting the subsection in its entirety, and by substituting instead the following:

(f) The use of a locked door, or any physical structure, mechanism, or device that substantially accomplishes the function of locking a student in a room, structure, or area, is prohibited.

SECTION 11. Tennessee Code Annotated, Section 49-10-1305, is amended by adding the following language as a new subsection immediately after subsection (f) and by redesignating the subsequent subsection accordingly:

(g) Any space used as an isolation room shall be:

(1) Unlocked and incapable of being locked;

(2) Free of any condition that could be a danger to the student;

- (3) Well ventilated and temperature controlled;
- (4) Sufficiently lighted for the comfort and well-being of the student;
- (5) Where school personnel are in continuous direct visual contact with the student at all times;
- (6) At least forty square feet (40 sq. ft.); and
- (7) In compliance with all applicable state and local fire, health, and safety codes.

SECTION 12. Tennessee Code Annotated, Section 49-10-1306, is amended by designating the current language in the section as a new subsection (f), and by adding the following language as new subsections (a)-(e):

- (a) Each school shall maintain all records of isolation and restraint.
- (b) On a semiannual basis, using existing student-level data collection systems to the extent feasible, each school shall submit a report to the local education agency that includes:
  - (1) The number of incidents involving the use of isolation and restraint since the previous semiannual report;
  - (2) The number of instances in which the school personnel imposing physical restraint or isolation were not trained and certified;
  - (3) Any injuries, deaths, or property damage that occurred;
  - (4) The timeliness of parental notification; and
  - (5) Demographic information to determine whether disproportionate use of these interventions exists.
- (c) The local education agency shall use the information obtained from records of isolation and restraint in developing its behavior intervention training program.
- (d) The local education agency shall submit information to the Department of Education each year on the use of isolation and restraint in the school district.
- (e) Annually, this information shall be reported to the state advisory council for the education of students with disabilities established pursuant to § 49-10-105. This information must also be made readily available to the public. The council shall use this information to report annually to the State Board of Education with recommendations to reduce the use of isolation and restraint in public education programs. The State Board of Education shall use these recommendations as well as data, documentation and reports to establish policy or strategies or both to reduce or eliminate the use of isolation and restraint in schools.



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SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Stewart moved that **House Bill No. 1336** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2017** -- Wine & Wineries -- As introduced, authorizes licensure and regulation of businesses where customers can make wine for personal, home consumption. Amends TCA Section 39-17-703 and Title 57.

On motion, Senate Bill No. 2017 was made to conform with **House Bill No. 1046**.

On motion, House Bill No. 1046, on same subject, was substituted for Senate Bill No. 2017.

**House Bill No. 1046** passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	4

Senators voting aye were: Barnes, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Beavers, Bell, Campfield and Southerland--4.

A motion to reconsider was tabled.

**Senate Bill No. 1996** -- Public Employees -- As introduced, broadens authorized leave of absence for required duty or training for Army and Air National Guard public employees to apply to private sector guardsmen, and also to state guardsmen and civil air patrolmen who are public or private employees. Amends TCA Title 8, Chapter 33, Part 1.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 33, Part 1, is amended by adding the following as a new section thereto:

8-33-110.

All officers and employees of this state, or any department or agency thereof, or of any county, municipality, school district, or other political subdivision, all other public employees of this state and all private sector employees who are, or may

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become, members of the Tennessee State Guard and Civil Air Patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, or impairment of efficiency rating, for all periods of service during which they are engaged in the performance of duty or training in the service of this state, under competent orders.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1996**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Stewart moved that **Senate Bill No. 2008** be placed behind **House Bill No. 1336**, which motion prevailed.

**Senate Bill No. 1684** -- Traffic Safety -- As introduced, revises enforcement provisions of unmanned traffic surveillance cameras. Amends TCA Title 55, Chapter 8.

Senator Norris declared Rule 13 on **Senate Bill No. 1684**.

Senator Overbey declared Rule 13 on **Senate Bill No. 1684**.

**MR. SPEAKER RAMSEY RELINQUISHES CHAIR**

Mr. Speaker Ramsey relinquished the Chair to Senator Woodson as Speaker pro tempore.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting amendatory subsections (h) and (i) in Section 1 in their entirety and by substituting instead the following language:

(h) No citation shall be issued based solely upon evidence obtained from a traffic enforcement camera that has been installed to enforce or monitor traffic violations of § 55-8-110(a)(3), or any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of § 55-8-110(a)(3), unless the evidence

collected shows the target vehicle with its front tire or tires before the stop line when the signal is red, and subsequently shows the same vehicle with its rear tire or tires past the stop line while the signal is red.

(i) A traffic enforcement camera system may be used to issue a traffic citation for an unlawful right turn on a red signal at an intersection that is clearly marked by a "No Turn on Red" sign erected by the responsible municipal or county government in the interest of traffic safety in accordance with § 55-8-110(a)(3)(A). Any other traffic citation for failure to make a complete stop at a red signal before making a permitted right turn as provided by § 55-8-110(a)(3)(A) that is based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid.

AND FURTHER AMEND by deleting the first amendatory sentence in Section 3 in its entirety and by substituting instead the following language:

A notice of violation or a citation shall be sent within twenty (20) business days after the occurrence of the violation, absent exigent circumstances arising from registration irregularities.

AND FURTHER AMEND by deleting from subsection (c) in Section 2 the language "Effective July 1, 2011, a state agency or political subdivision of the state" and by substituting instead the language "Effective July 1, 2011, a political subdivision of the state".

On motion, Amendment No. 1 was adopted.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting in subsection (l) of Section 1 of the printed bill the language "within two (2) miles of a reduction" and by substituting instead the language "within one (1) mile of a reduction".

On motion, Amendment No. 2 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following language to the end of subsection (l) of Section 1:

Provided, this subsection shall not apply to unmanned traffic enforcement cameras within the designated distance of a marked school zone when a warning flasher or flashers are in operation.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 1684**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 29  
Noes ..... 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 672** -- Highways, Roads and Bridges -- As introduced, extends time period, from current 60 days to 75 days of taking office, within which new chief administrative officer of county highway system must submit inventory of equipment to county legislative body. Amends TCA Title 54.

On motion, Senate Bill No. 672 was made to conform with **House Bill No. 914**.

On motion, House Bill No. 914, on same subject, was substituted for Senate Bill No. 672.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 914** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 1336**

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1336**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 2008** -- Lottery, Scholarships and Programs -- As introduced, allows a student with a documented medical disability that restricts the student's attendance to part-time to petition for an extension of time in which to receive a Tennessee HOPE scholarship. Amends TCA Title 49, Chapter 4, Part 9.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 49-4-930, is amended by deleting subsections (e) and (f) in their entireties.

SECTION \_\_. Tennessee Code Annotated, Section 49-4-930, is amended by deleting subsection (c) in its entirety and substituting instead the following and by relettering existing subsection (d) accordingly:

(c) A student receiving a dual enrollment grant may enroll for one (1) course per semester at an eligible postsecondary institution. Courses attempted as a dual enrollment student under this subsection (c) shall not count toward the limitation under § 49-4-913 on the receipt of a HOPE scholarship.

(d) If a student:

(1) Is a junior or senior in high school;

(2) Is receiving a dual enrollment grant; and

(3)(A) Has qualified academically for a Tennessee HOPE scholarship by attaining the required composite ACT score or the combined SAT score; or

(B) Has achieved an overall weighted high school grade point average of at least 3.0 for all high school work completed prior to the semester of enrollment as a dual enrollment student, if the student is enrolled in an eligible high school; then, notwithstanding the provisions of subsection (c) to the contrary, the student may enroll in one (1) additional course per semester at an eligible postsecondary institution as a dual enrollment student. Financial assistance received for courses attempted under this subsection (d) shall reduce the amount of any subsequent award of the Tennessee HOPE scholarship on a dollar per dollar basis.

(e) If a dual enrollment student enrolls in an eligible public postsecondary institution after graduation from high school, then such institution shall not deny credit towards an associates or baccalaureate degree for any college course taken as a dual enrollment student if the student successfully completed the course, and, if the course was not taken at the institution in which the student enrolls after graduation from high school, the course qualifies for transfer credit.

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On motion, Amendment No. 1 was adopted.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Sections 1 through 4 of the bill in their entirety and by renumbering the subsequent subsections accordingly.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2008**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 1850** -- Food and Food Products -- As introduced, authorizes Commissioner of Agriculture to inspect home based kitchens that prepare foods for retail sale at farmers' markets that are potentially low-risk for contamination. Amends TCA Title 53, Chapter 1 and Title 53, Chapter 8, Part 1.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-1-102(29), is amended by adding the following language to the end of the subdivision:

"Selling" shall not include sales of nonpotentially hazardous food at a person's personal residence or at a community or social event, including church bazaars and festivals, flea markets, or at farmers' markets as provided in § 53-8-117.

SECTION 2. Tennessee Code Annotated, Section 53-8-117, is amended by deleting the section in its entirety and by substituting instead the following:

53-8-117.

(a) As used in this section, unless the context otherwise requires:

(1) "Home based kitchen" means a cooking facility located in a person's primary residence;

(2) "Nonpotentially hazardous foods" means baked goods, jams, jellies, candy, dried apples, dried mixes and other such foods that do not meet the definition of potentially hazardous foods; and

(3) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, home-canned foods, or any food that requires temperature control for safety.

(b) Notwithstanding any law, rule or regulation to the contrary, nonpotentially hazardous foods prepared in a home based kitchen may be sold at a person's personal residence, a community or social event, including church bazaars and festivals, flea markets, or at farmers' markets located in this state.

(c) Whenever the commissioner finds that a nonpotentially hazardous food prepared in a home based kitchen is, by reason of microbiological, physical, chemical or allergenic contamination, injurious to the public health, the commissioner may prohibit the sale of such food until the facility in which it was prepared is inspected and the contamination is eliminated. Any food product prepared in a home based kitchen failing to meet the definition of a "nonpotentially hazardous food" shall immediately be removed from sale.

(d) All nonpotentially hazardous foods from a home based kitchen may be distributed as free samples.

(e) An individual who processes nonpotentially hazardous foods in a home based kitchen shall have adequate knowledge of safe food handling practices. The department or a state college or university with a curriculum in food safety as an authority on preparing processed food shall offer such curriculum at its county offices or online.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion of Senator Crowe, Amendment No. 2 was withdrawn.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting Section 1 in its entirety from the bill as amended by Senate Amendment No. 1 (drafting code 00763096) and redesignating subsequent sections accordingly.

On motion, Amendment No. 3 was adopted.

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Thereupon, **Senate Bill No. 1850**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Madam Speaker Pro Tempore Woodson moved that **Senate Bill No. 252** be moved ten places down on the Calendar for today, which motion prevailed.

**MOTION**

Senator Faulk moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Resolution No. 70**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution No. 70** by Senator Faulk.

Memorials, Congratulations -- Tinsley Bible Drug Company, 100th anniversary.

On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 70** was adopted.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 2 consisting of the following resolutions: **Senate Joint Resolutions Nos. 353 and 354**; and **House Joint Resolutions Nos. 53, 125, 179, 197, 200, 217, 304, 397, 398 and 425**, which motion prevailed.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following resolution was placed at the heel of the calendar for Saturday, May 21, 2011, pursuant to Rule 38: **House Joint Resolution No. 398**.

**Senate Joint Resolution No. 353** -- Naming and Designating -- Names the Operations Group Building at McGhee Tyson Air National Guard Base the "Major General Forster Operations Group Building".

**Senate Joint Resolution No. 354** -- General Assembly, Confirmation of Appointment -- Pamela B. Martin, Tennessee Ethics Commission.



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**House Joint Resolution No. 53** -- Naming and Designating -- "Motorcycle Safety and Awareness Month", May 2011.

**House Joint Resolution No. 125** -- Naming and Designating -- "American Indian Heritage Month", September 2011.

**House Joint Resolution No. 179** -- Highway Signs -- "William F. Lyell Memorial Bridge", spanning Cumberland River on State Route 45 in Davidson County.

**House Joint Resolution No. 197** -- Naming and Designating -- "National Church School Day", June 5, 2011, and "Back to Church School Crusade Months", June 6 through July 30, 2011.

**House Joint Resolution No. 200** -- General Assembly, Statement of Intent or Position -- Urges citizens to refrain from using cell phones while driving in school zones.

**House Joint Resolution No. 217** -- Common Carriers -- Requests a variance from the Federal Motor Carrier Safety Administration to apply certain safety requirements on certain commercial motor vehicles transporting loads interstate; requests an amendment to federal safety standards to conform to the Tennessee requirements.

**House Joint Resolution No. 304** -- Memorials, Congress -- Urges appropriation of adequate funding for local governments to implement new minimum retroreflectivity standards for traffic signs mandated by Federal Highway Administration.

**House Joint Resolution No. 397** -- Naming and Designating -- Designates May of 2011 as "American Diabetes Association Alert Month" in Tennessee.

**House Joint Resolution No. 425** -- General Assembly, Confirmation of Appointment -- George P. Jaynes, Tennessee Ethics Commission.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CALENDAR NO. 1**

**Senate Bill No. 109** -- Tort Liability and Reform -- As introduced, limits liability of apiarists under certain circumstances. Amends TCA Title 44, Chapter 15.

On motion, Senate Bill No. 109 was made to conform with **House Bill No. 30**.

On motion, House Bill No. 30, on same subject, was substituted for Senate Bill No. 109.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting subsection (a) in § 44-15-124 in Section 1 and substituting instead the following:

(a) Any person who has registered an apiary pursuant to § 44-15-105, is otherwise in compliance with this part and operates such apiary in a reasonable manner shall not be liable for any personal injury or property damage that is caused by the keeping and maintaining of:

(1) Bee equipment, queen breeding equipment, apiaries, affiliated appliances that are located on such apiary; or

(2) Bees that nest in a beehive that is located on such apiary.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 30**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	25
Noes . . . . .	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Finney and Kyle--2.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

**Senate Bill No. 370** -- Fireworks -- As introduced, authorizes the City of East Ridge to permit the possession and retail sale of Class C common fireworks; regulates the sale of such fireworks in the City of East Ridge according to the provisions of Title 68, Chapter 104, Part 1.

On motion, Senate Bill No. 370 was made to conform with **House Bill No. 219**.

On motion, House Bill No. 219, on same subject, was substituted for Senate Bill No. 370.

**House Bill No. 219** passed its third and final consideration by the following vote:

Ayes . . . . .	18
Noes . . . . .	7
Present, not voting . . .	4

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Senators voting aye were: Beavers, Campfield, Crowe, Faulk, Ford, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Summerville, Tracy, Watson, Woodson and Mr. Speaker Ramsey--18.

Senators voting no were: Berke, Burks, Finney, Harper, Herron, Kyle and Stewart--7.

Senators present and not voting were: Barnes, Bell, Roberts and Yager--4.

A motion to reconsider was tabled.

**Senate Bill No. 372** -- Capital Punishment -- As introduced, adds random killings to the list of aggravating factors for imposition of the death penalty. Amends TCA Section 39-13-204.

On motion, Senate Bill No. 372 was made to conform with **House Bill No. 869**.

On motion, House Bill No. 869, on same subject, was substituted for Senate Bill No. 372.

**House Bill No. 869** passed its third and final consideration by the following vote:

Ayes . . . . .	24
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Finney, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Roberts, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senator Berke moved that **Senate Bill No. 803** be moved three places down on Calendar No. 1 for today, which motion prevailed.

Senator Overbey moved that **Senate Bill No. 910** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 1004** -- District Attorneys -- As introduced, creates 12 additional assistant district attorney general positions. Amends TCA Title 8 and Title 16, Chapter 2.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-26-113, is amended by deleting the first sentence, which reads as follows:

Counties having a population of one hundred thousand (100,000) or more according to the last federal census and counties having a population of not less than

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thirty thousand four hundred (30,400) nor more than thirty thousand five hundred (30,500) according to the 1970 federal census or any subsequent federal census may provide cars for the use of the salaried county officials set out in § 8-26-112.

and by substituting instead the following sentence:

Counties having a population of one hundred thousand (100,000) or more according to the last federal census, counties having a population of not less than thirty thousand four hundred (30,400) nor more than thirty thousand five hundred (30,500) according to the 1970 federal census or any subsequent federal census, and counties having a population of not less than seventy-one thousand three hundred (71,300) nor more than seventy-one thousand four hundred (71,400), according to the 2000 federal census or any subsequent federal census may provide cars for the use of the salaried county officials set out in § 8-26-112.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1004**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 1033** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 803** -- Child Custody and Support -- As introduced, requires that in taking into account the child's best interest for purposes of a child custody arrangement, the court shall order a custody arrangement that permits both parents to enjoy the maximum participation possible in the life of the child. Amends TCA Section 36-6-106 relative to child custody.

Senator Norris declared Rule 13 on **Senate Bill No. 803**.

Senator Overbey declared Rule 13 on **Senate Bill No. 803**.

On motion, Senate Bill No. 803 was made to conform with **House Bill No. 571**.

On motion, House Bill No. 571, on same subject, was substituted for Senate Bill No. 803.

On motion of Senator Campfield, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 571** passed its third and final consideration by the following vote:

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Ayes ..... 19  
Noes ..... 9

Senators voting aye were: Barnes, Berke, Burks, Crowe, Finney, Ford, Harper, Henry, Herron, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Stewart, Tate, Woodson and Yager--19.

Senators voting no were: Beavers, Bell, Campfield, Johnson, Kelsey, Roberts, Summerville, Tracy and Watson--9.

A motion to reconsider was tabled.

Madam Speaker Pro Tempore Woodson moved that **Senate Bill No. 1709** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

**MOTION**

Senator Kelsey moved that **Senate Bill No. 869** be considered next, out of order, which motion prevailed.

**CALENDAR NO. 1**

**Senate Bill No. 869** -- Sexual Offenders -- As introduced, creates a sexual offender registry for juveniles who are 14-18 years of age, commit a specified violent sexual offense, and are found by a court to be at high risk for reoffending or have a prior adjudication for a violent sexual offense. Amends TCA Title 37; Title 40; Title 49 and Title 55.

On motion, Senate Bill No. 869 was made to conform with **House Bill No. 687**.

On motion, House Bill No. 687, on same subject, was substituted for Senate Bill No. 869.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-127, is amended by adding the following new subsection thereto:

(f) If a child is charged with a delinquent act that could qualify such child as a violent juvenile sexual offender, as defined by § 40-39-202(27), such child shall be given verbal and written notice of the violent juvenile sexual offender registration requirements prior to a hearing on whether the child committed such act.

SECTION 2. Tennessee Code Annotated, Section 37-1-153(f)(1)(A), is amended by adding the following language as a new subdivision thereto:

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(iv) Does not have an adjudication of delinquency for a violent juvenile sexual offense as defined in § 40-39-202(28);

SECTION 3. Tennessee Code Annotated, Section 40-28-201(a)(2), is amended by deleting the language "40-39-201" and substituting instead the language "40-39-202".

SECTION 4. Tennessee Code Annotated, Section 40-39-201(b)(7), is amended by adding the following language after the language "sex offender registry;"

provided, that a juvenile offender required to register under this part shall not be required to pay the administrative fee until the offender reaches eighteen (18) years of age;

SECTION 5. Tennessee Code Annotated, Section 40-39-202, is amended by inserting the following between the third and fourth sentences of subdivision (2):

An adjudication in another state for a delinquent act committed in another jurisdiction that would be classified as a violent juvenile sexual offense under this section, if committed in this state, shall be considered a violent juvenile sexual offense for the purposes of this part.

SECTION 6. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following to the end of subdivision (2):

"Conviction" also includes a juvenile delinquency adjudication for a violent juvenile sexual offense if the offense occurs on or after July 1, 2011.

SECTION 7. Tennessee Code Annotated, Section 40-39-202(10), is amended by deleting the subdivision in its entirety and substituting instead the following:

(10) "Offender" means sexual offender, violent sexual offender and violent juvenile sexual offender, unless otherwise designated. An offender who qualifies both as a sexual offender and a violent sexual offender or as a violent juvenile sexual offender and as a violent sexual offender shall be considered a violent sexual offender;

SECTION 8. Tennessee Code Annotated, Section 40-39-202(13), is amended by deleting the subdivision in its entirety and substituting instead the following:

(13) "Register" means the initial registration of an offender, or the re-registration of an offender after deletion or termination from the SOR;

SECTION 9. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivisions to be designated as (27) and (28) and by redesignating existing subdivisions accordingly:

(27)(A) "Violent juvenile sexual offender" means a person fourteen (14) years of age or more but less than eighteen (18) years of age who has been adjudicated delinquent in this state for any act that constitutes a violent juvenile sexual offense as defined in this section.

(B) At the time of adjudication of a qualifying offense, such offender shall become a violent sexual offender and this part governing violent sexual offenders shall be applicable to such violent juvenile sexual offender, unless otherwise set out in this part;

(28) "Violent juvenile sexual offense" means:

An adjudication of delinquency, for any act committed on or after July 1, 2011, that, if committed by an adult, constitutes the criminal offense of:

(i) Aggravated rape, under § 39-13-502;

(ii) Rape, under § 39-13-503;

(iii) Rape of a child, under § 39-13-522, provided the victim is at least four (4) years younger than the offender;

(iv) Aggravated rape of a child, under § 39-13-531; or

(v) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision.

SECTION 10. Tennessee Code Annotated, Section 40-39-203, is amended by deleting subdivision (a)(2) and substituting instead the following:

(a)(2) Regardless of an offender's date of conviction, adjudication or discharge from supervision, an offender whose contact with this state is sufficient to satisfy the requirements of subdivision (a)(1) is required to register in person as required by this part, if the person was required to register as any form of sexual offender, juvenile offender or otherwise, in another jurisdiction prior to the offender's presence in this state.

SECTION 11. Tennessee Code Annotated, Section 40-39-203(i)(6), is amended by deleting the subdivision in its entirety and substituting instead the following:

(6) Sexual offenses or violent sexual offenses for which the registrant has been convicted, the date of the offenses and the county and state of each conviction; or the violent juvenile sexual offense for which the registrant has been adjudicated delinquent, the date of the act for which the adjudication was made and the county and state of each adjudication;

SECTION 12. Tennessee Code Annotated, Section 40-39-203, is amended by adding the following new subsection (p):

(p) Any court exercising juvenile jurisdiction that adjudicates a juvenile as delinquent for conduct that qualifies such juvenile as a violent juvenile sexual offender shall transmit the information set out in subsection (i) pertaining to such violent juvenile sexual offender to the TBI for inclusion on the SOR within forty-eight (48) hours of the offender's adjudication for the qualifying offenses set out in § 40-39-202(28).

SECTION 13. Tennessee Code Annotated, Section 40-39-204, is amended by designating existing subsection (b) as subdivision (b)(1) and by adding the following new subdivision (b)(2):

(2) At least once during the months of March, June, September, and December of each calendar year, all violent juvenile sexual offenders shall report in person to the offender's registering agency to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information transmitted to the TBI by the registering agency as defined in § 40-39-202(14). Offenders in custody shall register as set out in § 40-39-203(b)(1).

SECTION 14. Tennessee Code Annotated, Section 40-39-206, is amended by adding the following new subsection (e) and by redesignating present subsection (e) accordingly:

(e) For any violent juvenile sexual offender who is adjudicated for a violent juvenile sexual offense, the information concerning the violent juvenile sexual offender set out in (d) of this section shall be confidential, except as otherwise provided under § 40-39-207(j) of this chapter and any other provision of law.

SECTION 15. Tennessee Code Annotated, Section 40-39-207, is amended by adding the following new subsection thereto:

(j)(1) Violent juvenile sexual offenders who are currently registered as such and who receive a subsequent adjudication in juvenile court or a court having juvenile court jurisdiction for one of the offenses listed in § 40-39-202(28) or a crime that if committed in Tennessee would require registration shall be required to register for life. Information concerning the violent juvenile sexual offender who commits a subsequent offense listed in § 40-39-202(28) which was formerly considered confidential under § 40-39-206(e) shall be deemed public information once the offender reaches his eighteenth birthday.

(2) Violent juvenile sexual offenders who are currently registered as such and who, upon reaching the age of eighteen, are convicted of a sexual offense as set out in § 40-39-202(20) or a violent sexual offense as set out in § 40-39-202(30) shall be required to register for life. Information concerning the violent juvenile sexual offender who commits a subsequent offense listed in § 40-39-202(20) or § 40-39-202(30) which was formerly considered confidential under § 40-39-206(e) shall be deemed public information.

(3) Violent juvenile sexual offenders who reach the age of twenty-five, and who have not been adjudicated or convicted of a subsequent qualifying offense as set out in subdivisions (1) and (2) above, shall be eligible for termination from the SOR. Upon reaching the age of twenty-five, the violent juvenile sexual offender may apply for removal from the SOR by use of a form created by the TBI. The form will contain a statement, sworn to by the offender under the penalty of perjury, that the offender has not been convicted of or adjudicated delinquent of any of the offenses set out in subdivisions (1) and (2) above.

(4) TBI shall also conduct fingerprint-based state and federal criminal history checks to determine whether the violent juvenile sexual offender has



been convicted of or adjudicated on any prohibited crimes as set out in subdivisions (1) and (2) above, including crimes committed in other jurisdictions.

(5) If the violent juvenile sexual offender has not been convicted or adjudicated delinquent in any of the prohibited crimes, he shall be removed from the Sex Offender Registry.

SECTION 16. Tennessee Code Annotated, Section 40-39-208(i), is amended by deleting the subsection in its entirety and substituting instead the following:

(i) Sexual offender, violent sexual offender and violent juvenile sexual offender registry files and records maintained by the TBI may be digitized. A digitized copy of any original file or record in the TBI's possession shall be deemed to be an original for all purposes, including introduction into evidence in all courts or administrative agencies.

SECTION 17. Tennessee Code Annotated, Section 40-39-208, is amended by adding a new, appropriately designated subsection thereto:

( ) Notwithstanding any law to the contrary, a violent juvenile sexual offender who knowingly violates this part commits a delinquent act as defined by the juvenile code.

SECTION 18. Tennessee Code Annotated, Section 40-39-211(b), is amended by deleting the language:

No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:

and substituting instead the following language:

No sexual offender, violent sexual offender, or violent juvenile sexual offender, as those terms are defined in § 40-39-202, shall knowingly:

SECTION 19. Tennessee Code Annotated, Section 40-39-211, is amended by adding the following new subsection (i):

(i) The restrictions set out in subsections (a)-(d) shall not apply to a violent juvenile sexual offender required to register under this part unless otherwise ordered by a court of competent jurisdiction.

SECTION 20. Tennessee Code Annotated, Section 40-39-211, is amended by adding the following as a new, appropriately designated subsection thereto:

( ) Notwithstanding any law to the contrary, a violent juvenile sexual offender who knowingly violates this section commits a delinquent act as defined by the juvenile code.

SECTION 21. Tennessee Code Annotated, Section 40-39-213, is amended by adding the following as a new, appropriately designated subsection:

( ) Notwithstanding any provision of this section to the contrary, no violent juvenile sexual offender shall be required to obtain a photo identification card or a

valid driver license that has been properly designated by the Department of Safety pursuant to § 55-50-353, until such violent juvenile sexual offender attains the age of eighteen (18) years.

SECTION 22. Tennessee Code Annotated, Section 40-39-214(a), is amended by deleting the language "immediately after a sex offender" and substituting instead the language "immediately after an offender".

SECTION 23. Tennessee Code Annotated, Section 40-39-215(a), is amended by deleting the language "for a sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202", and substituting instead the language "for a sexual offender, violent sexual offender or a violent juvenile sexual offender, as those terms are defined in § 40-39-202",.

SECTION 24. Tennessee Code Annotated, Section 55-50-353, is amended by deleting the section in its entirety and substituting instead the following:

55-50-353.

When the department issues or renews a driver license or photo identification card to a sexual offender, violent sexual offender or violent juvenile sexual offender as required by § 40-39-213, the driver license or photo identification card shall bear a designation sufficient to enable a law enforcement officer to identify the bearer of the license or card as a sexual offender, violent sexual offender or violent juvenile sexual offender.

SECTION 25. This act shall take effect on July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 687**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**NOTICE**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1698. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker

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appointed a Conference Committee composed of Representatives Hill, Matlock and John Deberry to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1698.

JOE MCCORD,  
Chief Clerk.

Senator Crowe moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 1698**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 1698**

The Speaker announced the appointment of a Conference Committee composed of Senators Crowe, Chairperson; Overbey and Barnes to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1698.

**CALENDAR NO. 1**

Senator Kelsey moved that **House Bill No. 334** be moved ten places down on Calendar No. 1 for today, which motion prevailed.

Madam Speaker Pro Tempore Woodson moved that **Senate Bill No. 252** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

**MR. SPEAKER RAMSEY RESUMES CHAIR**

Mr. Speaker Ramsey resumed the Chair.

Senator Gresham moved that **Senate Bill No. 874** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 873** -- Education, Dept. of -- As introduced, adds representative of the Professional Educators of Tennessee to current eligibility list for appointment by Commissioner of Education to state-level safety team to assist with compliance with the "SAVE Act". Amends TCA Title 49, Chapter 6, Part 8.

On motion, Senate Bill No. 873 was made to conform with **House Bill No. 146**.

On motion, House Bill No. 146, on same subject, was substituted for Senate Bill No. 873.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the bill in its entirety and substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 49-6-802(c), is amended by deleting subdivisions (1), (2), (4), (6) and (7) in their entireties and substituting instead the following language:

- (1) Directors of schools;
- (2) Members of local boards of education;
- (4) Public school teachers;
- (6) School counselors and psychologists;
- (7) Parents of students enrolled in public schools;

On motion, Amendment No. 1 was adopted.

On motion of Senator Gresham, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 146**, as amended, passed its third and final consideration by the following vote:

Ayes .....	27
Noes .....	0

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 624** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Gresham moved that **Senate Bill No. 1646** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 39** -- Disabled Persons -- As introduced, extends the time period that a permanent disabled parking placard is valid from two to five years and adjusts fee from \$3.00 to \$7.50. Amends TCA Title 55, Chapter 21.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 3 and by substituting instead the following:

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to placards issued on or after July 1, 2011.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 39**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 40** -- Unemployment Compensation -- As introduced, excludes periods of temporary total disability under the workers' compensation law from calculation of base period for purposes of unemployment compensation. Amends TCA Title 50, Chapter 6 and Title 50, Chapter 7.

Senator Berke declared Rule 13 on **Senate Bill No. 40**.

**Senate Bill No. 40** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**MOTION**

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 516**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 516** -- Naming and Designating -- Recognizes Representative Lois DeBerry as Speaker Pro Tempore Emeritus of the House of Representatives.

On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 516** was concurred in.

A motion to reconsider was tabled.

**CALENDAR NO. 1**

**Senate Bill No. 874** -- Education -- As introduced, enacts "The Virtual Public Schools Act". Amends TCA Title 49.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 16, is amended by adding the following as a new Part 2:

49-16-201. This part shall be known and may be cited as the "Virtual Public Schools Act".

49-16-202. The purpose of this part is to provide an LEA with an alternative choice to offer additional educational resources in an effort to improve academic achievement.

49-16-203. As used in this part, unless the context otherwise requires:

(1) "Establisher" means an LEA; and

(2) "Virtual school" means a public school in which the school uses technology in order to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting.

49-16-204. Virtual schools may be established by an LEA. A virtual school shall be a public school and shall be provided resources as any other public school in the state.

49-16-205. A virtual school shall provide each student enrolled in the school:

(1) Access to a sequential curriculum that meets or exceeds the curriculum standards adopted by the State Board of Education. The sequential curriculum shall have an interactive program with significant online components;

(2) The same length of time for learning opportunities per academic year that is required under § 49-6-3004 for public school students; provided, however, that a student, at the student's own pace, may demonstrate mastery or completion of a course or subject area and be given credit for the course or subject area; and

(3) Regular assessment in language arts, math, science and social studies.

49-16-206. For each family with a student enrolled, the virtual school shall:

(1) Provide instructional materials;

(2) Ensure access to necessary technology such as a computer and printer; and

(3) Ensure access to an Internet connection used for schoolwork.

49-16-207. Virtual schools shall not provide assistance to students or families to purchase instructional programs or materials. Nothing in this section shall prohibit virtual schools from reimbursing families for costs associated with their Internet connection for use in the virtual school program.

49-16-208. Each teacher employed at a virtual school shall be qualified to teach in this state under existing law.

49-16-209. Nothing in this part shall preclude the use of computer-based and Internet-based instruction for students in a virtual or remote setting.

49-16-210. A virtual school shall maintain an administrative office within the state. This office shall be considered its principal place of business.

49-16-211. Any student who is eligible for enrollment in a public school in this state may enroll in a virtual school as either a full-time virtual school student or as a part-time virtual school student taking some of the student's courses through the virtual school. An LEA is authorized to charge tuition to any person not enrolled in a public school within the LEA for attendance in an LEA established virtual school.

49-16-212. In order to encourage collaboration among LEAs, a virtual school is authorized to operate according to the authority granted by the Educational Cooperation Act compiled in Chapter 2, Part 13 of this title.

49-16-213. A virtual school shall be evaluated annually by its establisher based on the following criteria:

(1) The extent to which the school demonstrates increases in student achievement according to the goals of its authorizing contract and state academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal and operational performance.

49-16-214. An establisher may contract for services with nonprofit and for-profit entities in the operation and management of the virtual school.

SECTION 2. The State Board of Education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Berke moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the language "and for-profit" in § 49-16-214 of the amendatory language of Section 1 of the bill, as amended.

Senator Gresham moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 20  
Noes . . . . . 11

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Henry, Herron, Kyle, Marrero and Tate--11.

Senator Gresham moved that **Senate Bill No. 874**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 64** -- Criminal Offenses -- As introduced, enhances penalties for patronizing prostitution and promoting prostitution in certain instances; provides immunity for minors arrested for prostitution; establishes tow and impound procedures for vehicles used in prostitution offenses. Amends TCA Title 37; Title 39 and Title 40.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-513, is amended by adding the following as a new, appropriately designated subsection:

( ) Notwithstanding any provision of this section to the contrary, if it is determined after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is under eighteen (18) years of age, that person shall be immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody for a suspected violation of this section shall, upon determination that the person is a minor, provide the minor with the telephone number for the national human trafficking resource center hotline and release the minor to the custody of a parent or legal guardian.

SECTION 2. Tennessee Code Annotated, Section 39-13-514, is amended by adding the following language as a new, appropriately designated subdivision to subsection (b):



( ) (A) Patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability is a Class E felony.

(B) Nothing in this subdivision (b)( ) shall be construed as prohibiting prosecution under any other applicable provision of law.

SECTION 3. Tennessee Code Annotated, Section 39-13-512, is amended by adding the following language as a new subdivision (5) and redesignating the subsequent subdivisions accordingly:

(5) "Promoting prostitution of a minor" means engaging in any of the activities described in subdivision (4) when one (1) or more of the persons engaged in prostitution is less than eighteen (18) years of age or has an intellectual disability;

SECTION 4. Tennessee Code Annotated, Section 39-13-515, is amended by redesignating the existing language as subsection (a) and adding the following as a new, appropriately designated subsection:

( ) Promoting prostitution of a minor is a Class E felony.

SECTION 5. This act shall take effect upon becoming a law and shall apply to any acts committed on or after the effective date, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 64**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 69** -- Sexual Offenses -- As introduced, provides that offense of soliciting the sexual exploitation of a minor can be prosecuted in this state against person located outside the state if the person solicited a law enforcement officer posing as a minor located within this state. Amends TCA Title 39, Chapter 13, Part 5.

**Senate Bill No. 69** passed its third and final consideration by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 77** -- Tennessee Student Assistance Corporation -- As introduced, changes the number and qualifications of students, the selection process, and term length for appointment to the board of the Tennessee student assistance corporation. Amends TCA Section 49-4-202.

Senator Overbey moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-202(a), is amended by deleting the words, "a student" and by substituting instead the language, "two (2) students".

SECTION 2. Tennessee Code Annotated, Section 49-4-202(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(1) The student members shall be enrolled full time in public or private institutions of higher education in Tennessee.

(2) The student member shall be or have been a recipient of financial aid from one (1) or more of the programs administered by the Tennessee student assistance corporation.

(3) One (1) student member shall be selected by the governor each year from candidates produced by the following procedures:

(A) On or before September 1 of each year, the Tennessee Intercollegiate State Legislature Foundation shall notify its members, the presidents of eligible colleges or universities, and the student government organizations of all institutions with eligible students, that students may apply to run in a general election at the Tennessee Intercollegiate State Legislature Annual General Assembly. The candidates shall alternate between public and private institutions each year. The Tennessee Intercollegiate State Legislature shall conduct the election pursuant to its constitution and rules of order and shall be responsible for funding the election.

(B) On April 1, the Tennessee Intercollegiate State Legislature shall present the governor with the names of the three (3) candidates with the most votes from the general election. The governor shall select one (1) student from the three (3) candidates. The presidents of the eligible colleges and universities shall be notified by the Tennessee Intercollegiate State Legislature of the outcome of the election and subsequent appointment.

(3) The governor shall appoint the selected student to the board for a term of two (2) years. The student shall be a nonvoting member for the fiscal year beginning July 1 immediately following the student's appointment. After the student has served on the board as a nonvoting member for one (1) year, the student shall serve the second year of the student's term as a voting member.

(4) If a vacancy is created by the death or resignation of the voting student member, the nonvoting student member shall fill the vacancy. If a vacancy is created by the death, resignation, or promotion of the nonvoting member, the vacancy shall be filled by gubernatorial appointment for the remainder of the unexpired term.

(5) Notwithstanding the provisions of subdivisions (2) and (3) to the contrary, to establish two-year staggered terms for the student members, the governor shall select two (2) students from the six (6) candidates. Three (3) candidates shall be from private institutions and three (3) candidates shall be from public institutions. The candidates shall be chosen according to the procedures of subdivision (2). The governor shall appoint one (1) student from a private institution as a voting member to a one-year term beginning on July 1, 2012. The governor shall appoint one (1) student from a public institution to a two-year term beginning on July 1, 2012, according to subdivision (3).

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

Senator Overbey moved to amend as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

AMEND by deleting in the first subdivision (3) of Section 2 of the bill the following language:

One (1) student member shall be selected by the governor each year from candidates produced by the following procedures:

and by substituting instead the following:

One (1) student member shall be selected by the governor each year. The governor may select from candidates produced by the following procedures:

AND FURTHER AMEND by deleting in subdivision (3)(B) of Section 2 of the bill the following language:

The governor shall select one (1) student from the three (3) candidates.

and by substituting instead the language:

The governor may select one (1) student from the three (3) candidates.

AND FURTHER AMEND by deleting in subdivision (5) of Section 2 of the bill the following language:

Notwithstanding the provisions of subdivisions (2) and (3) to the contrary, to establish two-year staggered terms for the student members, the governor shall select two (2) students from the six (6) candidates.

and by substituting instead the following language:

Notwithstanding the provisions of subdivisions (2) and (3) to the contrary, to establish two-year staggered terms for the student members, the governor may select two (2) students from the six (6) candidates.

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AND FURTHER AMEND by renumbering the subdivisions of Section 2 of the bill correctly.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **Senate Bill No. 77**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 247** -- Tennessee Regulatory Authority -- As introduced, clarifies that only cooperative organizations, cooperative associations or cooperative corporations not organized or doing business for profit are exempt from regulation by TRA. Amends TCA Title 65, Chapter 4.

Senator Kyle declared Rule 13 on **Senate Bill No. 247**.

On motion, Senate Bill No. 247 was made to conform with **House Bill No. 166**.

On motion, House Bill No. 166, on same subject, was substituted for Senate Bill No. 247.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-4-101, is amended by adding the following language as a new subdivision (9):

(9) "Public utility" does not mean any nonprofit corporation, as defined in 501(c)(4) of the Internal Revenue Code, which owns and operates a wastewater system primarily for the use of the members of the corporation and which has received a written statement of exemption from regulation as a public utility from the Tennessee regulatory authority prior to January 1, 2009.

SECTION 2. Tennessee Code Annotated, Section 65-4-101(6)(E), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(E) Any cooperative organization not organized or doing business for profit, cooperative association not organized or doing business for profit, or cooperative corporation not organized or doing business for profit. For purposes of this

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subdivision (6)(E), "cooperative" shall mean only those nonprofit cooperative entities organized under or otherwise subject to § 65-25-201 et seq., ("Rural Electric and Community Services Cooperative Act") or § 65-29-101 et. seq., ("Telephone Cooperative Act").

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 166**, as amended, passed its third and final consideration by the following vote:

Ayes .....	23
Noes .....	0

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--23.

A motion to reconsider was tabled.

Senator Kelsey moved that **House Bill No. 334** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 261** -- Taxes, Exemption and Credits -- As introduced, increases the Hall income tax exemption for taxpayers 65 years of age or older to \$26,200 for single filers and \$37,000 for persons filing jointly beginning January 1, 2012. Amends TCA Title 67, Chapter 2.

Senator Henry declared Rule 13 on **Senate Bill No. 261**.

Senator Marrero declared Rule 13 on **Senate Bill No. 261**.

Senator McNally declared Rule 13 on **Senate Bill No. 261**.

**Senate Bill No. 261** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 874, AS AMENDED**

Senator Gresham moved that **Senate Bill No. 874**, as amended, be placed at the heel of Calendar No. 1 for today, which motion prevailed.

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**Senate Bill No. 343** -- DUI Offenses -- As introduced, increases the minimum time that a driver license may be revoked for third and fourth and subsequent DUI convictions from three and five years to six and eight years. Amends TCA Title 55, Chapter 10, Part 4.

**Senate Bill No. 343** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 267** -- Taxes, Sales -- As introduced, creates sales and use tax exemption for purchase of building supplies for construction of storm or tornado shelters purchased between July 1, 2011, and December 31, 2011. Amends TCA Title 67, Chapter 6.

**Senate Bill No. 267** passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 409** -- Highway Patrol -- As introduced, authorizes a highway patrol member in good standing that retires because the member met the mandatory retirement age but didn't have 20 years of service to keep his badge and weapon and to receive a retired commissioned card. Amends TCA Section 4-7-110.

On motion, Senate Bill No. 409 was made to conform with **House Bill No. 865**.

On motion, House Bill No. 865, on same subject, was substituted for Senate Bill No. 409.

**House Bill No. 865** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

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Senator Kelsey moved that **House Bill No. 334** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 476** -- Criminal Offenses -- As introduced, adds attempting or intending to cause bodily injury by strangulation to the definition of aggravated assault. Amends TCA Section 39-13-102.

**Senate Bill No. 476** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey --29.

A motion to reconsider was tabled.

**Senate Bill No. 541** -- Veterans -- As introduced, establishes the Tennessee Medal of Honor, issued by the general assembly to certain members of the Tennessee National Guard or the U.S. Armed Forces killed in the line of duty; creates advisory committee to report findings to general assembly. Amends TCA Title 3, Chapter 1 and Title 58, Chapter 3, Part 1.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 3, Part 1, is amended by adding the following as a new, appropriately designated section:

58-3-113.

(a) A Tennessee Distinguished Service Medal may be awarded on behalf of the people of the State of Tennessee to an individual serving on active duty who has been killed in action, while:

(1) Engaged in an action against an enemy of the United States;

(2) Engaged in military support operations involving conflict with an opposing foreign force;

(3) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or

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(4) Serving in a combat zone as designated by presidential order.

(b) The recipient's name shall be entered on the medal's case of the Tennessee Distinguished Service Medal recipient.

(c) Individuals eligible to receive the Tennessee Distinguished Service Medal include all active duty military who are legal residents of the State of Tennessee.

(d) The Tennessee Distinguished Service Medal shall be awarded solely by the governor of the State of Tennessee or his designee to the immediate survivor of the recipient.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 541**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 542** -- Taxes, Exemption and Credits -- As introduced, exempts not-for-profits owning and operating water companies from three percent gross receipts tax. Amends TCA Title 67, Chapter 4, Part 4.

**Senate Bill No. 542** passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 546** -- State Employees -- As introduced, requires longevity pay for eligible state employees who previously worked for health departments of home rule municipalities; establishes eligibility criteria. Amends TCA Title 8, Chapter 23.



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**Senate Bill No. 546** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 601** -- Taxes, Sales -- As introduced, authorizes repeal of Tennessee River Resort District status by two-thirds vote of legislative body of jurisdiction. Amends TCA Section 67-6-103.

**Senate Bill No. 601** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**House Bill No. 334** -- Wills -- As introduced, requires bonds of executors and administrators to include expenses for court costs, attorney's fees and other related expenses of administering the estate. Amends TCA Title 30, Chapter 1, Part 2.

Senator Finney declared Rule 13 on **House Bill No. 334**.

Senator Kelsey moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding between the language "so long as the language of the bond includes" and the language "the obligation to pay all court costs" the language ", within the total obligation of the bond", in the amendatory language of Section 3 of the bill, as amended.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 334**, as amended, passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	1
Present, not voting . . .	1

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Finney, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senator voting no was: Faulk--1.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 567. The House refused to recede from its action in adopting in House Amendments Nos. 2 and 3.

JOE MCCORD,  
Chief Clerk.

Senator Berke moved that the Senate refuse to recede from its action in nonconcurring in House Amendments Nos. 2 and 3 to **Senate Bill No. 567**, which motion prevailed.

Senator Berke moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 567**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
SENATE BILL NO. 567**

The Speaker announced the appointment of a Conference Committee composed of Senators Berke, Chairperson; Overbey and Faulk to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 567.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1023. The House nonconcurred in Senate Amendment No. 1.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1624. The House nonconcurred in Senate Amendment No. 1.

JOE MCCORD,  
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 772. The House lifted the tabling motion and reconsidered Senate Bill No. 509, reconsidered and withdrew Amendments Nos. 1 and 2 and repassed Senate Bill No. 772.

JOE MCCORD,  
Chief Clerk.

**CALENDAR NO. 1**

**Senate Bill No. 605** -- Criminal Offenses -- As introduced, enacts the "National Human Trafficking Resource Center Hotline Act". Amends TCA Title 39, Chapter 13, Part 3.

On motion, Senate Bill No. 605 was made to conform with **House Bill No. 172**.

On motion, House Bill No. 172, on same subject, was substituted for Senate Bill No. 605.

Senator Marrero moved that **House Bill No. 172** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 633** -- Criminal Offenses -- As introduced, specifies that when a defendant commits a homicide or assault against a pregnant woman, the woman's fetus, regardless of viability, is also considered a victim of the offense. Amends TCA Section 39-13-107 and Section 39-13-214.

**Senate Bill No. 633** passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

A motion to reconsider was tabled.

Senator Tracy moved that **Senate Bill No. 664** be moved ten places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 690** -- Criminal Offenses -- As introduced, increases the penalties for discharging a firearm into a habitation. Amends TCA Title 39.

**Senate Bill No. 690** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

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Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Crowe moved that **Senate Bill No. 816** be moved ten places down on Calendar No. 1 for today, which motion prevailed.

Senator Bell moved that **Senate Bill No. 833** be rereferred to the Committee on Calendar, which motion prevailed.

### FURTHER ACTION ON HOUSE BILL NO. 172

Senator Beavers moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by adding the following before the enacting clause:

Whereas, the trafficking of human beings for sexual servitude and forced labor is considered second only to transfer of arms as the largest and fastest growing illegal activity in the world; and

Whereas, children are victims of human sex trafficking, they are commercially sexually exploited by traffickers who enslave them and sell them for the purpose of sexually pleasuring customers who rape, molest and sexually abuse these children; and

Whereas, children in the child welfare and juvenile justice systems are especially preyed upon by human traffickers because of vulnerabilities they exhibit subsequent to extreme trauma, maltreatment, pervasive neglect, and behavioral health problems experienced by these children in their lives; and

Whereas, study and reporting by the Select Committee on Children and Youth and the Tennessee Bureau of Investigation as well as reporting from a network of local grassroots anti-human trafficking coalitions and non-government agencies all across the state have verified that activities of human trafficking and the commercial sexual exploitation of children is occurring in our state; and

Whereas, statistics drawn from law enforcement agencies and social services agencies within Tennessee show that seventy-eight of the state's ninety-five counties report having worked at least one case of human sex trafficking of adults or children within the past twenty-four months and the total number of cases worked statewide in the same time period could be as high as four thousand; and

Whereas, the victims of human trafficking and children who are commercially sexually exploited are deserving of attention and action of the law enforcement, courts, and social services agencies of the State of Tennessee to rescue them from enslavement and restore safety for them; now, therefore,

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AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following as a new section:

39-13-312.

(a) This section shall be known and may be cited as the "Tennessee Human Trafficking Resource Center Hotline Act".

(b) There is created the Tennessee Human Trafficking Resource Center Hotline to be established and maintained by the Tennessee Bureau of Investigation in a manner consistent with this section.

(c) Any governmental entity or private business or establishment that provides or offers a place of assembly or entertainment, transportation, lodging, dining, educational, medical or leisure activities or services, or any business or establishment that is licensed by the state or any political subdivision thereof, or that is engaged in commerce in this state is strongly encouraged to post a sign indicating certain information regarding the Tennessee human trafficking resource center hotline in a location within the governmental entity or establishment where it is visible to employees and the general public. The sign shall be no smaller than eight and one-half inches by eleven inches (8 1/2" x 11"). Unless stated otherwise in this section, it may be posted near the entrance of the establishment or prominently where notices are usually posted. The sign shall state the following:

Tennessee Human Trafficking Resource Center Hotline at (appropriate toll-free number once established).

If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work or any other activity – call the Tennessee Human Trafficking Hotline to access help and services.

Victims of human trafficking are protected under United States and Tennessee law.

The hotline is:

Anonymous and confidential

Available 24/7

Toll free

Available to Non-English speaking callers through assistance of Interpreters

(d) All calls made to the Human Trafficking Resource Center Hotline, the content of any conversation thereon and the telephone number from which the call was made is confidential, is not an open record and not available for

public inspection except by order of a court of competent jurisdiction when necessary in a pending criminal investigation.

(e)(1) Any entity or establishment posting a sign pursuant to this section may post the sign in English, Spanish and any other language mandated by the Voting Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et seq.) in the county where the sign will be posted.

(2) The title of the sign, the Tennessee human trafficking resource center hotline at (-----) shall be boldfaced, underlined and no smaller than twenty-eight (28) point font size.

(3) The Department of Labor and Workforce Development shall provide the sign authorized by this section on its Internet web site for entities or establishments to print as needed.

(4) The Department of Labor and Workforce Development shall periodically send an electronic notification to any business or establishment that is licensed by the state or any political subdivision thereof that encourages posting pursuant to this section.

SECTION 2. This act shall take effect on October 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 172**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 1028** -- Homeland Security -- As introduced, enacts the "Material Support to Designated Entities Act of 2011". Amends TCA Title 38; Title 39; Title 40; Title 45; Title 55 and Title 58.

On motion, Senate Bill No. 1028 was made to conform with **House Bill No. 1353**.

On motion, House Bill No. 1353, on same subject, was substituted for Senate Bill No. 1028.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Beavers moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

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On motion of Senator McNally, Amendment No. 3 was withdrawn.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1353** passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	3

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Henry, Kyle and Marrero--3.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 1088** be placed first on Calendar No. 1 after the recess for today, which motion prevailed.

**Senate Bill No. 1100** -- Taxes, Ad Valorem -- As introduced, authorizes property tax relief to surviving spouses of disabled veterans who would have been eligible for relief had the veteran qualified under later amendments to the law. Amends TCA Section 67-5-704.

**Senate Bill No. 1100** passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**MOTION**

Madam Speaker Pro Tempore Woodson moved that **Senate Bill No. 252** lay on the desk, which motion prevailed.

**CALENDAR NO. 1**

**Senate Bill No. 1161** -- Taxes, Exemption and Credits -- As introduced, creates exemption from excise and franchise tax for entities owned by a branch of the U.S. Armed Forces that derive more than half of gross income from operation of facilities located on federally owned or leased property and operate primarily to benefit Armed Forces members. Amends TCA Title 67, Chapter 2 and Title 67, Chapter 4.

**Senate Bill No. 1161** passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 1666** -- Motor Vehicles, Titling and Registration -- As introduced, adds a cross-reference in the certificate of titling sections to a definition for flood motor vehicle. Amends TCA Title 55.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-50-336, is amended by adding a new subsection thereto, as follows:

(g) Notwithstanding § 55-50-323, a photo identification license issued pursuant to this section shall be provided free of charge to a person, if the person signs an affidavit stating the person:

- (1) Does not have a valid government issued photo identification;
- (2) Is a registered voter in this state; and
- (3) Needs the photo identification license for voting purposes.

Notwithstanding subsection (e) of this section, a photo identification license may be issued to a person who meets the criteria of subdivisions (g)(1) through (3) even if the person has a valid non-photo bearing driver license.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1666**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 0



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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

Senator Kyle moved that **Senate Bill No. 1869** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 664** -- Special License Plates -- As introduced, authorizes issuance of Tennessee Cave Salamander special license plates; funds produced from such plates deposited in wildlife resources fund for conservation of game species. Amends TCA Title 55, Chapter 4.

On motion, Senate Bill No. 664 was made to conform with **House Bill No. 940**.

On motion, House Bill No. 940, on same subject, was substituted for Senate Bill No. 644.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the preamble of the introduced bill in its entirety.

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Adoption;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c), to recognize and encourage the compassionate practice of adoption.

(b) The new specialty earmarked license plates provided for in this section shall be designed to recognize the benevolent aspects of adoption. Such plates shall be designed in consultation with distinguished adoption entities.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated equally to the Adoption Foundation of Tennessee, Inc., and Harmony Adoptions of Tennessee, Inc., in accordance with § 55-4-215. Such funds shall be used exclusively to facilitate adoption in Tennessee.

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SECTION 3. Notwithstanding § 55-4-201(h)(1), the Memphis Rock 'n' Soul Museum new specialty earmarked license plates authorized for issuance pursuant to § 55-4-342 shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 4. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Historic Collierville;

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued an Historic Collierville new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates shall be of an appropriate design representative of historic Collierville, Shelby County, Tennessee, and shall include the language "Historic Collierville". The plates shall be designed in consultation with Main Street Collierville.

(c) The funds produced from the sale of Historic Collierville new specialty earmarked license plates shall be allocated to Main Street Collierville, in accordance with § 55-4-215. The funds shall be used exclusively for Main Street Collierville's community-wide effort to create and implement a shared vision for the future of Collierville, Tennessee.

SECTION 6. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Harpeth River Watershed Association;

SECTION 7. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a Harpeth River Watershed Association new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates shall be of an appropriate design representative of the Harpeth River Watershed Association and shall include the language "Harpeth River". The plates shall be designed in consultation with the Harpeth River Watershed Association.

(c) The funds produced from the sale of the Harpeth River Watershed Association new specialty earmarked license plates shall be allocated to the Harpeth River Watershed Association, in accordance with § 55-4-215. The funds shall be used for restoring and protecting the ecological health of the Harpeth River and clean water in Tennessee.

SECTION 8. Tennessee Code Annotated, Section 55-4-344, is amended by adding the following language as a new section:

(d) Notwithstanding § 55-4-201(h)(1), the T.C. Thompson Children's Hospital new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 9. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Tennessee's veterans;

SECTION 10. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c), that pays tribute to Tennessee's veterans, who have sacrificed so much in defending our liberties and rights as American citizens, with many of them making the ultimate sacrifice in the line of duty.

(b) The new specialty earmarked license plates provided for in this section shall be designed to appropriately express Tennesseans' appreciation of and gratitude to our veterans and their courageous service at home and abroad and their ongoing legacy of volunteerism. Such plates shall be designed in consultation with the Department of Veterans Affairs; provided, however, nothing in the design of such plates shall indicate or infer that the owner or lessee of the motor vehicle is a veteran of the United States Armed Forces.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Tennessee state veterans' homes board in accordance with § 55-4-215. Such funds shall be used exclusively for the planning, construction, operation, and maintenance of the state veterans' homes to be built in Bradley County and Montgomery County in equal amounts.

SECTION 11. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) SpiritHorse Therapeutic Riding;

SECTION 12. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a SpiritHorse Therapeutic Riding new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates shall be of an appropriate design representative of the SpiritHorse mission of working with special needs children, and shall include the language "SpiritHorse". The plates shall be designed in consultation with SpiritHorse At Black Fox.

(c) The funds produced from the sale of SpiritHorse Therapeutic Riding new specialty earmarked license plates shall be allocated to SpiritHorse At Black Fox, in accordance with § 55-4-215. The funds shall be used for SpiritHorse At Black Fox's efforts in this state to assist children with special needs in reaching their full potential through interaction with horses.

SECTION 13. Notwithstanding the time limitations of § 55-4-201(h)(1), the Fisk Jubilee Singers new specialty earmarked license plate for a motor vehicle authorized by § 55-4-332 shall have until July 1, 2012, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

SECTION 14. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Donate Life;

SECTION 15. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Donate Life new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of Donate Life and be designed with the assistance of Tennessee Donor Services.

(c) The funds produced from the sale of Donate Life new specialty earmarked license plates shall be allocated to Tennessee Donor Services, the organ and tissue donation registry, in accordance with § 55-4-215, for the sole purpose of raising awareness for organ and tissue donation in this state.

SECTION 16. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Prince Hall Masons;

SECTION 17. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Prince Hall Masons new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of Prince Hall Affiliation Free and Accepted Masonry. Such plates shall be designed in consultation with the Grand Master of the Jurisdiction of the Most Worshipful Prince Hall Grand Lodge, Free and Accepted Masons, State of Tennessee.

(c) The funds produced from the sale of Prince Hall Masons new specialty earmarked license plates shall be allocated to Prince Hall Masons Grand Lodge of Tennessee in accordance with the provisions of § 55-4-215. Such funds shall be used exclusively to benefit and further the goals of the Knights of Pythagoras, the Prince Hall Masons' youth organization for mentoring young men in this state.

SECTION 18. Tennessee Code Annotated, Section 55-4-239, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) Upon the death of the spouse who was entitled to receive a holder of the Purple Heart registration plate, the widow or widower shall be entitled to receive, free of charge, a Purple Heart registration plate for no more than two (2) motor vehicles or two (2) recreational vehicles owned or leased by such widow or widower. The application shall be accompanied by a copy of the death certificate.

(g) Additional license plates may be obtained by any person entitled to receive the holders of the Purple Heart registration plate upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of a fee equal to the cost of actually producing the plate.

SECTION 19. Tennessee Code Annotated, Section 55-4-328, is amended by adding the following language as a new subsection:

(d) Notwithstanding § 55-4-201(h)(1), the Habitat for Humanity new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 20. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Labrador Retriever Foundation;

SECTION 21. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a Labrador Retriever Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates authorized by this section shall be of an appropriate design representative of the Labrador Retriever Foundation and shall include the language "Labrador Retriever". The plates shall be designed in consultation with the Labrador Retriever Foundation.

(c) The funds produced from the sale of Labrador Retriever Foundation new specialty earmarked license plates shall be allocated to the Labrador Retriever Foundation, in accordance with § 55-4-215. The funds shall be used to promote the health and research initiatives of the Labrador Retriever breed in Tennessee and to recognize the Labrador Retriever as a working breed and its importance to sportsmen, the disabled community, military, law enforcement, and others who rely on the breed's services.

SECTION 22. Tennessee Code Annotated, Section 55-4-202(c)(4), is amended by adding the following as new, appropriately designated subdivisions:

( ) Air Medal recipient;

( ) Distinguished Flying Cross recipient;

SECTION 23. Tennessee Code Annotated, Section 55-4-203(b), is amended by adding the following as new, appropriately designated subdivisions:

( ) Air Medal recipients;

( ) Distinguished Flying Cross recipients;

SECTION 24. Tennessee Code Annotated, Section 55-4-236(a), is amended by inserting the language "the Distinguished Flying Cross, the Air Medal," between the language "the Distinguished Service Cross," and the language "the Navy Cross" in the first sentence thereof.

SECTION 25. Tennessee Code Annotated, Section 55-4-240, is amended by inserting the language "Distinguished Flying Cross, Air Medal," between the language "Distinguished Service Cross," and the language "Air Force Cross".

SECTION 26. Tennessee Code Annotated, Section 55-4-278(a)(2), is amended by inserting the language "the Distinguished Flying Cross, the Air Medal," between the language "the Distinguished Service Cross," and the language "the Navy Cross".

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SECTION 27. Tennessee Code Annotated, Section 55-4-278(b), is amended by inserting the language "the Distinguished Flying Cross, the Air Medal," between the language "the Distinguished Service Cross," and the language "the Navy Cross".

SECTION 28. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Stax Museum of American Soul Music;

SECTION 29. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Stax Museum of American Soul Music new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of the Stax Museum of American Soul Music. Such plates shall be designed in consultation with the executive officers of Stax Museum of American Soul Music.

(c) The funds produced from the sale of Stax Museum of American Soul Music new specialty earmarked license plates shall be allocated to the Stax Museum of American Soul Music in accordance with the provisions of § 55-4-215. Such funds shall be used exclusively to benefit and further the goals of the Stax Museum of American Soul Music.

SECTION 30. Tennessee Code Annotated, Section 55-4-293, is amended by adding the following language as a new subsection (e):

(e) Notwithstanding § 55-4-201(h)(1), the Civil War Preservation new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 31. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Tennessee Equine Association;

SECTION 32. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor

vehicle and the fee provided in § 55-4-203, shall be issued a Tennessee Equine Association new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates authorized by this section shall be of an appropriate design representative of the Tennessee Equine Association and shall include a visual depiction of a horse or horses. The plates shall be designed in consultation with the Tennessee Equine Association.

(c) The funds produced from the sale of Tennessee Equine Association new specialty earmarked license plates shall be allocated to the Tennessee Equine Association in accordance with § 55-4-215. The funds shall be used to promote and improve the equine industry in Tennessee.

SECTION 33. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) American Red Cross;

SECTION 34. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an American Red Cross new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain an appropriate logo or design representative of the organization and shall be designed in consultation with the directors of American Red Cross.

(c) In accordance with § 55-4-215, the funds produced from the sale of American Red Cross new specialty earmarked license plates shall be allocated to Tennessee chapters of the American Red Cross to be used in furtherance of the American Red Cross's mission to alleviate and to prevent human suffering by providing relief to victims of disasters and helping people prevent, prepare for, and respond to emergencies.

SECTION 35. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) National Civil Rights Museum;

SECTION 36. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle



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and the fee provided for in § 55-4-203, shall be issued a National Civil Rights Museum new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be designed in consultation with the board of directors of the National Civil Rights Museum.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Lorraine Motel Foundation, in accordance with § 55-4-215, to be used exclusively for educational and programming assistance to the National Civil Rights Museum.

SECTION 37. Tennessee Code Annotated, Section 55-4-202(c)(2), is amended by adding a new subdivision thereto, as follows:

(L) Administrative judges;

SECTION 38. Tennessee Code Annotated, Section 55-4-226, is amended by adding a new subsection thereto, as follows:

(j) An owner or lessee of a motor vehicle who is a resident of this state and whose duty is to serve a judiciary function as an administrative judge, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, payment of the regular license fee for plates, as prescribed under § 55-4-111, and payment of the additional fee provided for in § 55-4-203, shall be issued a license plate, as prescribed by § 55-4-101, for motor vehicles authorized by § 55-4-210(c), upon which, instead of the numbers as prescribed by § 55-4-103, shall be inscribed an individual distinctive number.

SECTION 39. Tennessee Code Annotated, Section 55-4-327, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d) Notwithstanding § 55-4-201(h)(1), the Rotary International new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 40. Tennessee Code Annotated, Section 55-4-276(c), is amended by deleting the third sentence in its entirety and by substituting instead the following language:

Notwithstanding any provision of law to the contrary, the new specialty earmarked plates provided for in this section shall have until July 1, 2012, to meet the initial issuance requirements of § 55-4-201(h)(1).

SECTION 41. Tennessee Code Annotated, Section 55-4-202(c)(7)(SS), is amended by deleting subdivision (SS) in its entirety and by substituting instead the following:

(SS) Tennessee Fraternal Order of Police;

SECTION 42. Tennessee Code Annotated, Section 55-4-245, is amended by deleting the section in its entirety and by substituting instead the following:

55-4-245.

(a) An owner or lessee of a motor vehicle who is a resident of this state and who is certified as a member or associate member of the Tennessee Fraternal Order of Police, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee Fraternal Order of Police new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b)(1) The application for such registration plates shall be accompanied by a statement from the Tennessee Fraternal Order of Police certifying the applicant to be a member or associate member of the organization.

(2) Only members and associate members of the Tennessee Fraternal Order of Police or their spouses shall be permitted to receive the registration plates.

(c) The registration plates provided for in this section shall be of the same design as the Fraternal Order of Police plates authorized and issued prior to July 1, 2011, and shall bear the inscription "FRATERNAL ORDER OF POLICE" or "FOP" and an appropriate standardized insignia of the organization. For applicants who are associate members of the Tennessee Fraternal Order of Police, the Fraternal Order of Police plates, the strip along the bottom of the license plate shall also bear the language "ASSOCIATE MEMBER".

(d)(1) Within thirty (30) days of terminating membership or associate membership in the Tennessee Fraternal Order of Police, an applicant to whom a registration plate has been issued pursuant to this section shall surrender the plate to the county clerk of the county of the applicant's residence.

(2) The Tennessee Fraternal Order of Police shall provide biannually to the department the names and addresses of any persons who have terminated their membership or associate membership in the Tennessee Fraternal Order of Police, together with any other identifying information as the commissioner may require.

(e) The commissioner is authorized and shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Tennessee Fraternal Order of Police plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-203 prior to the issuance of the plate.

(f) Funds produced from the sale of Tennessee Fraternal Order of Police specialty earmarked license plates shall be allocated to the Tennessee Fraternal Order of Police Charitable Foundation in accordance with § 55-4-215.

(g) Notwithstanding any law to the contrary, any person issued a Fraternal Order of Police license plate prior to July 1, 2011, shall be entitled to retain the license plate for vehicular use upon compliance with all motor vehicle laws relating to registration and licensing of motor vehicles and payment of all required fees. Such plates shall be considered Tennessee Fraternal Order of Police specialty earmarked plates upon their first renewal on or after July 1, 2011, upon the applicant's designation.

(h) For the purposes of § 55-4-201(h)(1), all license plates authorized or issued pursuant to subsections (a), (e) and (g) shall be jointly included in any determinations for initial issuance and continuation of issuance. If Tennessee Fraternal Order of Police specialty earmarked plates are subsequently deemed obsolete pursuant to § 55-4-201(h)(1), such determination shall also apply to all Fraternal Order of Police license plates issued prior to July 1, 2011.

SECTION 43. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 44. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 940**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

### **RECESS**

Senator Norris moved the Senate stand in recess until 4:00 p.m., which motion prevailed.

### **CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

### **ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**STANDING COMMITTEE REPORT**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1540.

MCNALLY, Chairperson  
May 21, 2011

The Speaker announced that he had referred Senate Bill No. 1540 to the Committee on Calendar.

**CALENDAR NO. 1**

**Senate Bill No. 1088** -- Ethics -- As introduced, provides that if a complaint is filed against a judge who is or was a member of the court of the judiciary at the same time as the investigative counsel served as counsel for the court, the investigative counsel must retain a special counsel to investigate any such complaint. Amends TCA Title 4, Chapter 29; Title 8; Title 16; Title 17, Chapter 5 and Title 39, Chapter 16.

Senator Overbey declared Rule 13 on **Senate Bill No. 1088**.

Senator Kelsey declared Rule 13 on **Senate Bill No. 1088**.

Senator Faulk declared Rule 13 on **Senate Bill No. 1088**.

Senator Norris declared Rule 13 on **Senate Bill No. 1088**.

Senator Kyle declared Rule 13 on **Senate Bill No. 1088**.

Senator Finney declared Rule 13 on **Senate Bill No. 1088**.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-5-201, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any other provision of law to the contrary, the Court of the Judiciary is reconstituted effective October 1, 2011, and the terms of the present members of the Court of the Judiciary shall terminate on such date. On that date, there is created a Court of the Judiciary to consist of twelve (12) members to be selected in the following manner:

(1) One (1) member who is a trial court judge to be appointed by the Speaker of the Senate;

(2) One (1) member who is a general sessions court judge licensed to practice law in this state, to be appointed by the Speaker of the House of Representatives;

(3) One (1) member who is a municipal court judge licensed to practice law in this state to be appointed by the Speaker of the Senate;

(4) One (1) member who is a juvenile court judge licensed to practice law in this state to be appointed by the Speaker of the House of Representatives;

(5) One (1) member who is a retired trial court judge to be appointed by the Speaker of the Senate;

(6) One (1) member who is a retired or active law enforcement officer to be appointed by the Speaker of the House of Representatives;

(7) Three (3) members of the public who are not judges or attorneys, with one (1) residing in each grand division of the state, to be appointed by the Speaker of the Senate;

(8) Three (3) members of the public who are not judges or attorneys, with one (1) residing in each grand division of the state, to be appointed by the Speaker of the House of Representatives;

(b) The board shall select its own presiding judge.

(c) Each member of the court of the judiciary shall serve for a term of two (2) years and shall be eligible for reappointment to one (1) additional term. Vacancies on the court for an unexpired term shall be made for the remainder of the term by the appointing power of the original appointment.

(d)(1) The presiding judge shall divide the board into a hearing panel of five (5) members and two (2) investigative panels of three (3) members. Membership on the panels may rotate in a manner determined by the presiding judge; provided, that no members shall sit on both the hearing and investigative panels for the same proceeding.

(2) A hearing panel has the duty and authority to rule on prehearing motions, conduct hearings on formal charges and make findings, conclusions, and impose sanctions or dismiss the case.

(3) An investigative panel has the duty and authority to:

(A) Review the recommendations of disciplinary counsel after preliminary investigation and either authorize a full investigation or dismiss the complaint; and

(B) Review the recommendations of disciplinary counsel after full investigation and approve, disapprove or modify the recommendations as provided in § 17-5-304.

(e) The Speaker of the Senate and Speaker of the House of Representatives, in making their appointments, shall do so with a conscious intention of selecting a board that reflects a diverse mixture with respect to race, including the dominant ethnic minority population, and gender.

SECTION 2. Tennessee Code Annotated, Section 17-5-304, is amended by deleting subsections (a) and (b), redesignating the present subsections accordingly, and by substituting instead the following:

(a) Disciplinary counsel shall evaluate all information coming to the counsel's attention by complaint, upon the request of any member of the court or from any other credible source that alleges judicial misconduct or incapacity.

(b) The complaint shall allege specific facts directly relating to the alleged misconduct or incapacity of the judge in question. All complaints shall be reviewed by disciplinary counsel and if, in the judgment of disciplinary counsel, the complaint establishes probable cause that the conduct complained of occurred and violates § 17-5-302, counsel shall, subject to review by the investigative panel pursuant to subdivision (c)(3), conduct a preliminary investigation. If the disciplinary counsel believes the complaint fails to establish probable cause that either the conduct occurred or the conduct constituted a violation of § 17-5-302, counsel shall, subject to review by the investigative panel pursuant to subdivision (c)(3), dismiss the complaint, or if appropriate, refer the matter to another agency.

(c)(1) Disciplinary counsel may conduct interviews and examine evidence to determine whether the specific facts alleged are true and, if so, whether the facts establish probable cause that a violation of § 17-5-302 has occurred; provided, that no subpoena shall issue to obtain testimony or evidence until the investigative panel authorizes a full investigation pursuant to subdivision (3) of this subsection (c).

(2) If disciplinary counsel believes there is evidence supporting the allegations against a judge, the counsel shall recommend to the investigative panel assigned to the case that the panel authorize a full investigation. Disciplinary counsel may also recommend a full investigation when it believes that there is evidence that would establish probable cause that a violation of § 17-5-302 has occurred and such evidence could be obtained by subpoena or further investigation. In all other cases, the disciplinary counsel must recommend that the matter be dismissed.

(3) The investigative panel shall review the disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation. Disciplinary counsel shall not have the authority to dismiss a complaint without the review of and approval by the investigative panel.

SECTION 3. Tennessee Code Annotated, Title 17, Chapter 5, Part 2, is amended by adding the following new section:

Section 17-5-207.

(a) On a quarterly basis, the court shall file a report with the chairman of the Senate Judiciary Committee and House Judiciary Committee detailing the following information:

(1) The number of complaints against judges filed during the previous quarter;

(2) The disposition of each complaint; and

(3) The status of any preliminary investigation, investigative panel investigation or trial authorized or ongoing by the court.

(b) The quarterly report shall not reveal the name of any judge against whom a complaint has been filed but shall indicate if more than one (1) complaint has been filed against a particular judge. However, if more than one (1) complaint has been filed against the same judge, the chairman of either Judiciary Committee may contact the presiding judge of the court for the purpose of inspecting all complaints filed against such judge to determine if further action by the general assembly is warranted. However, if complaints are requested for inspection by either or both chairs of the Judiciary Committees, the name of the judge and the contents of the complaint shall maintain its confidential status unless such information becomes public during the course of a proceeding or investigation to impeach the judge under Article V of the Tennessee Constitution or to remove the judge under Article VI, Section 6 of the Tennessee Constitution.

SECTION 4. Tennessee Code Annotated, Section 17-5-314, is amended by deleting subsection (a) and substituting instead the following:

(a) The expenses incurred in the administration of this chapter involving additional pay to retired judges, together with expenses incurred in paying witnesses per diem and travel expenses, where applicable as provided in §§ 24-4-101 and 24-4-102, expenses in the taking of depositions, and expenses incurred in the reporting of any proceeding under this chapter shall be paid through the secretary of state.

SECTION 5. For purposes of appointing the members of the reconstituted Court of the Judiciary created by this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on October 1, 2011, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Kyle moved that **Senate Bill No. 1088**, as amended, be placed first on the first Calendar of 2012.

Senator Beavers moved that Senator Kyle's motion go to the table, which motion failed by the following vote:

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Ayes . . . . . 14  
Noes . . . . . 15

Senators voting aye were: Beavers, Campfield, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Roberts, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--14.

Senators voting no were: Barnes, Bell, Berke, Burks, Faulk, Finney, Ford, Harper, Henry, Herron, Kyle, Marrero, Overbey, Summerville and Tate--15.

Senator Beavers moved that **Senate Bill No. 1088**, as amended, be placed on the first Calendar of 2012, which motion prevailed.

**House Joint Resolution No. 194** -- General Assembly, Statement of Intent or Position -- Commends Taiwan for its relations with the United States and for other purposes.

**House Joint Resolution No. 194** was concurred in by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**House Joint Resolution No. 360** -- General Assembly, Confirmation of Appointment -- Trey Teague, Tennessee Wildlife Resources Commission.

On motion of Senator Southerland, Amendment No. 1 was withdrawn.

Thereupon, **House Joint Resolution No. 360** was concurred in by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Crowe moved that **Senate Bill No. 816** be moved one place down on Calendar No. 1 for today, which motion prevailed.

**MOTION**

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 3 consisting of the following resolutions: **House Joint Resolutions Nos. 505, 506, 507, 508, 509, 510, 511, 512, 513 and 514**, which motion prevailed.



**CONSENT CALENDAR NO. 3**

**House Joint Resolution No. 505** -- Memorials, Academic Achievement -- Dylan Chad Lamb, Valedictorian, Clinch School.

**House Joint Resolution No. 506** -- Memorials, Academic Achievement -- Brittany Michelle Gillespie, Salutatorian, Clinch School.

**House Joint Resolution No. 507** -- Memorials, Recognition -- South Haven Baptist Church, 25th anniversary.

**House Joint Resolution No. 508** -- Memorials, Interns -- Ryan Nathanael Wilson.

**House Joint Resolution No. 509** -- Memorials, Interns -- Jason Scott Collver.

**House Joint Resolution No. 510** -- Memorials, Interns -- Tiffany Nicole Day.

**House Joint Resolution No. 511** -- Memorials, Recognition -- A. Schwab, historic dry goods store on Beale Street.

**House Joint Resolution No. 512** -- Memorials, Academic Achievement -- Morghan Victoria Parker, Valedictorian, Portland High School.

**House Joint Resolution No. 513** -- Memorials, Academic Achievement -- Kelsey Porter, Salutatorian, Portland High School.

**House Joint Resolution No. 514** -- Memorials, Interns -- Sierra Lane Faith.

Senator Faulk moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CALENDAR NO. 1**

**Senate Bill No. 816** -- Taxes, Income -- As introduced, exempts income derived from cemetery trusts from state and local taxation. Amends TCA Title 46, Chapter 7, Part 1 and Title 67, Chapter 2, Part 1.

Senator Ford declared Rule 13 on **Senate Bill No. 816**.

On motion, Senate Bill No. 816 was made to conform with **House Bill No. 889**.

On motion, House Bill No. 889, on same subject, was substituted for Senate Bill No. 816.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

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Thereupon, **House Bill No. 889** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**House Joint Resolution No. 398** -- Naming and Designating -- Designates May 12, 2011, as "Fibromyalgia Awareness Day" in Tennessee.

**House Joint Resolution No. 398** was concurred in by the following vote:

Ayes .....	30
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Kyle--1.

A motion to reconsider was tabled.

Senator Overbey moved that **Senate Bill No. 910** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 1709** -- Schools, Charter -- As introduced, requires an LEA, in which a charter school operates, to make available annually a list of the LEA's vacant properties and space. Amends TCA Title 49, Chapter 13.

On motion, Senate Bill No. 1709 was made to conform with **House Bill No. 1980**.

On motion, House Bill No. 1980, on same subject, was substituted for Senate Bill No. 1709.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

On motion of Senator Gresham, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1980** passed its third and final consideration by the following vote:

Ayes .....	25
Noes .....	4
Present, not voting . . .	2

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Burks, Finney, Kyle and Marrero--4.

Senators present and not voting were: Ford and Harper--2.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 874, AS AMENDED**

On motion, Senate Bill No. 874 was made to conform with **House Bill No. 1030**.

On motion, House Bill No. 1030, on same subject, was substituted for Senate Bill No. 874.

Senator Herron moved that Amendment No. 3 be placed at the heel of the Amendments, which motion prevailed.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by deleting the first sentence of § 49-16-211 of the amendatory language of Section 1 of the bill, as amended, and by substituting instead the following:

A student may only attend a virtual school in the LEA in which the student resides unless that LEA gives written permission for the student to attend another LEA's virtual school.

On motion, Amendment No. 4 was adopted by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by adding the following language in the amendatory language of Section 1 of the bill, as amended:

49-16-215. If an LEA operates a virtual school, then no member of the local board of education, employee of the LEA or relative of a member of the local board of education or employee of the LEA shall be employed by, have a financial interest in or receive any compensation from an entity either nonprofit or for-profit that provides services to the virtual

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school. As used in this section, "relative" means parent, legal guardian, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, sister-in-law, grandparent, grandchild, nephew, niece, uncle or aunt.

Senator Gresham moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

Ayes .....	17
Noes .....	14

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Overbey, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Henry, Herron, Kyle, Marrero, Norris, Roberts, Summerville and Tate--14.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by deleting § 49-16-208 of the amendatory language of Section 1 of the bill, as amended, and by substituting instead the following:

49-16-208.

(a) Each teacher employed at a virtual school shall be qualified to teach the subjects taught in the public schools of this state under existing laws and rules and regulations.

(b) All laws and rules and regulations applicable to other public schools shall be applicable to public virtual schools.

Senator Gresham moved that Amendment No. 6 go to the table, which motion prevailed by the following vote:

Ayes .....	19
Noes .....	11
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Henry, Herron, Kyle, Marrero and Tate--11.

Senator present and not voting was: Summerville--1.

On motion of Senator Herron, Amendment No. 3 was withdrawn.

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Thereupon, **House Bill No. 1030**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 20  
Noes ..... 10  
Present, not voting . . . 1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Herron, Kyle, Marrero, Summerville and Tate--10.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

Senator Kyle moved that **Senate Bill No. 1869** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Overbey moved that **Senate Bill No. 910** be placed at the heel of today's business, which motion prevailed.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to notify the Senate, a new Conference Committee was appointed on House Bill No. 1698, with the following members: Representatives Hill, Curtiss and Halford.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1205, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2008, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

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**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1598, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 943, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 567. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives Hardaway, Jones and Watson to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 567.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1698. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1698/SENATE BILL NO. 1852**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1698/SENATE BILL NO. 1852**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1698 (Senate Bill No. 1852) has met and recommends that the following amendments be deleted:

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House Amendment No. 1 (draft no. 540765)

Senate Amendment No. 1 (draft no. 800165)

The Committee further recommends that the following amendment be adopted:

AMEND by deleting the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-307, is amended by adding the following new subdivisions thereto:

(8) Any unreasonable deprivation of the grandparent's opportunity to visit with the child by the child's parents or guardian, including denying visitation of the minor child to the grandparent for a period exceeding ninety (90) days;

(9) Whether the grandparent is seeking to maintain a significant existing relationship with the child;

(10) Whether awarding grandparent visitation would interfere with the parent-child relationship; and

(11) Any court finding that the child's parent or guardian is unfit.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

/s/ Senator Crowe  
/s/ Senator Overbey  
/s/ Senator Barnes

/s/ Representative Hill  
/s/ Representative Curtiss  
/s/ Representative Halford

Senator Crowe moved that the Conference Committee Report on **House Bill No. 1698/Senate Bill No. 1852** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**MESSAGE FROM THE HOUSE**  
May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 940. The House nonconcurred in Senate Amendment No. 2.

JOE MCCORD,  
Chief Clerk.

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**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 852. The House lifted the tabling motion and reconsidered Senate Bill No. 852, adopted Amendment No. 3 and repassed Senate Bill No. 852, as amended.

JOE MCCORD,  
Chief Clerk.

**CALENDAR NO. 1**

**Senate Bill No. 1869** -- Education -- As introduced, enacts the "Move on When Ready Act". Amends TCA Title 49.

On motion, Senate Bill No. 1869 was made to conform with **House Bill No. 837**.

On motion, House Bill No. 837, on same subject, was substituted for Senate Bill No. 1869.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 837** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that Rule 19 be suspended for the purpose of considering Message Calendar No. 1 next, which motion prevailed.

**MESSAGE CALENDAR NO. 1**

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 1023** -- Naming and Designating -- As introduced, designates welcome center at Exit 9 on Interstate 26 in Unicoi County as the "Zane Whitson Welcome Center".

Senator Southerland moved to lift from the table a motion to reconsider on **House Bill No. 1023**, which motion prevailed.

Senator Southerland moved that the Senate reconsider its action in passing **House Bill No. 1023**, which motion prevailed.



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Senator Southerland moved that the Senate reconsider its action in adopting Senate Amendment No. 1 to **House Bill No. 1023**, which motion prevailed.

Senator Southerland moved that Senate Amendment No. 1 to **House Bill No. 1023** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1023** was repassed on third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 1624** -- Criminal Offenses -- As introduced, provides that offenses of wiretapping and electronic surveillance do not apply to person who installs software on a computer the person owns or is authorized to use when software is intended to monitor and record Internet use by member of person's household, including, but not limited to, person's child. Amends TCA Title 39, Chapter 13, Part 6.

Senator Bell moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 1624**, which motion prevailed.

**MESSAGE CALENDAR NO. 2**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 943** -- Estates -- As introduced, revises various provisions relative to administration of estates in Greene County. Amends TCA Title 18; Title 30; Title 31 and Title 32.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting the following language from § 30-2-324 in Section 2:

(c) This section shall apply to any county having a population of not less than sixty-two thousand nine hundred (62,900) nor more than sixty-three thousand (63,000), according to the 2000 federal census or any subsequent federal census.

Senator Southerland moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 943**, which motion prevailed by the following vote:

Ayes .....	28
Noes .....	0

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Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1205** -- Tourism -- As introduced, enacts the "Tennessee Adventure Tourism and Rural Development Act of 2011". Amends TCA Title 4; Title 5; Title 6; Title 11; Title 54; Title 55; Title 67; Title 68 and Title 70.

### **HOUSE AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 11, is amended by adding the following language as a new, appropriately designated part:

11-11-201.

This part shall be known and may be cited as the "Tennessee Adventure Tourism and Rural Development Act of 2011".

11-11-202.

The Department of Economic and Community Development, in cooperation with the Department of Environment and Conservation, is directed to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas of Tennessee. Such study and plan shall be developed within existing departmental resources. The departments are directed to consider natural areas, best available science, existing recreational opportunities, economic conditions, including, but not limited to, persistent high unemployment, safety and environmental issues, and community interest in developing such plan. Such plan should include recommendations on whether and to what extent existing laws should be amended and any new laws should be enacted in order to encourage development of adventure tourism in Tennessee. The departments are authorized to promulgate rules and regulations in order to effectuate the purposes of this part.

11-11-203.

As used in this part, unless the context otherwise requires:

(1) "Adventure tourism" means outdoor recreational opportunities such as equine and motorized trail riding, white water rafting and kayaking, rappelling, road biking, rock climbing, hang-gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such activities;

(2) "Adventure tourism district" means a defined geographic area identified and authorized by a two-thirds (2/3) vote of a local governing body and approved by the department and the Department of Environment and Conservation as an area where the promotion of adventure tourism is encouraged;

(3) "All-terrain vehicle" means either:

(A) A motorized vehicle with no less than four (4) non-highway tires, but no more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(B) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.), and that has a non-straddle seating and a steering wheel;

(C) A motor vehicle as defined in § 55-1-103, which possesses a four (4) wheel drive capability and that is designed and suitable for operation off the highway on natural terrain; or

(D) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(4) "Best interests of the state" means a determination by the Commissioner of Revenue, with approval by the Commissioner of Economic and Community Development, that:

(A) The qualified business enterprise or enterprises made within or adjacent to an adventure tourism district is a result of the special allocation and tax credits provided for in Section 5; and

(B) The adventure tourism district is a result of such qualified business enterprise or enterprises.

(5) "Canoeing" means the use of canoe for navigation of waterways;

(6) "Department" means the Department of Economic and Community Development;

(7) "Hang-gliding" means an air sport in which a pilot flies a light and un-motorized aircraft launched by foot;

(8) "Kayaking" means the use of a kayak for navigations of waterways;

(9) "Local governing body" means the elected legislative body of a municipal, metropolitan or county government;

(10) "Motorized trail riding" means the exploration of trails and natural areas by use of all-terrain vehicles;

(11) "Mountain biking" means the exploration of trails and natural areas by the use of bicycles;

(12) "Paragliding" means the air sport in which a pilot flies a light motorized aircraft that uses a parachute to stay airborne;

(13) "Rappelling" is the controlled descent down a rope by climbers used to explore cliffs or slopes that are too steep to descend without protection;

(14) "Road biking" means both non-competitive and competitive bicycling events that take place on improved roads;

(15) "Rock climbing" means the recreational sport of climbing up or across natural rock formations;

(16) "Shooting sports" means the recreational sport of firing handguns, rifles or shotguns at moving or fixed targets;

(17) "Spelunking" means the recreational sport of exploring noncommercial cave systems;

(18) "Triathlon" means the recreational activity of sporting contests involving open waters swimming, bicycle riding, and running, whether on trails or improved roads;

(19) "White water rafting" means the recreational activity of using an inflatable raft or kayak to navigate rough water; and

(20) "Zip lining" means the exploration of natural areas by use of above-ground cable systems.

11-11-204.

(a) A local governing body may, by a two-thirds (2/3) vote of its governing body, authorize the creation of a district within the boundaries of such governing body as an adventure tourism district by developing an adventure tourism district plan. Alternatively, one (1) or more counties or one (1) or more municipalities may enter into an intergovernmental agreement pursuant to the Interlocal Cooperation Act, compiled in Title 12, Chapter 9, to designate jointly an adventure tourism district that contains area within the boundaries of more than one (1) local government.

(b) Adventure tourism professionals may petition local governing bodies to authorize the creation of an adventure tourism district. Such petition shall be accompanied by specific business plans based on quantifiable data demonstrating that the creation of an adventure tourism district would enhance sustainable economic development in the area.

(c) Upon a local governing body or bodies authorizing the creation of an adventure tourism district, the adventure tourism district plan shall be submitted to the Department of Economic and Community Development and the Department of Revenue for joint approval as an adventure tourism district. Such approval shall be granted if the Commissioner of Economic and Community Development and the Commissioner of Revenue determine that the allocation of franchise and excise tax credits are in the best interest of the state.

(d) Following the approval of the Department of Economic and Community Development and the Department of Revenue for an adventure tourism district pursuant to subsection (c), a local governing body may submit the adventure tourism district plan to:

(1) The Department of Revenue and the Department of Economic and Community Development for approval of tax credits pursuant to § 67-4-2109; and

(2) The Department of Tourist Development for promotional support through use of the department's existing resources.

11-11-205.

(a) Unless an adventure tourism professional or business acts intentionally or with gross negligence or is in violation of this part, or any other laws, ordinances, resolutions, rules or regulations pertaining to adventure tourism, which intentional or grossly negligent act or omission or violation is causal of the injury complained of, no action shall lie against any such professional or business by any adventure tourism activity participant or representative of an adventure tourism activity participant; this prohibition shall not, however, prevent the maintenance of an action against an adventure tourism professional or business for negligent design construction or operation maintenance.

(b) Each adventure tourism professional or business shall maintain general liability insurance with limits of not less than one million dollars (\$1,000,000) per occurrence.

(c) Each adventure tourism professional or business shall post and maintain signs that contain the warning notice specified in subsection (d). The signs shall be placed in clearly visible locations at such businesses. The warning notice specified in subsection (d) shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height. In addition to any other waivers or warnings signed by participants, every written contract entered into by an adventure tourism professional or business for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves activities on or off the location or site of the adventure tourism professional's business, shall contain in clearly readable print the warning notice specified in subsection (d).

(d) The signs and contracts described in subsection (c) shall contain the following warning notice:

**WARNING**

Under Tennessee Law, an adventure tourism professional is not liable for an injury to or the death of a participant in adventure tourism activities resulting from the inherent risks of such activities, pursuant to Tennessee Code Annotated, Title 11, Chapter 11.

(e) No action shall be maintained against an adventure tourism professional or business complying with this section unless such action is commenced within one (1) year from the date of injury.

11-11-206.

The Department of Environment and Conservation and the Department of Economic and Community Development may work together to provide assistance as deemed appropriate by the departments to encourage the development of adventure tourism within those regions of the state designated as suitable for such activities and where persistent high unemployment exists.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "All-terrain vehicle" means either:

(1) A motorized non-highway tire vehicle with no less than four (4) non-highway tires, but no more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(2) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.) and that has a non-straddle seating and a steering wheel; or

(3) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

SECTION 3. Tennessee Code Annotated, Section 55-8-185, is amended by adding the following as new, appropriately designated subsections:

(e) In addition to the provisions above, notwithstanding any provision of law to the contrary, an all-terrain vehicle as defined in § 55-8-101 may be operated or driven upon any unpaved streets, roads, or highways, as designated specifically for such purpose upon two-thirds (2/3) vote by the local governing body, and included within the boundaries of an adventure tourism district established pursuant to Section 1 of this act, if such all-terrain vehicle complies with the following:

(1) The governing body of a municipality or metropolitan government may regulate in any manner, by lawfully enacted ordinance, the operation of any all-terrain vehicle crossing of a street, road or highway solely under the municipality's jurisdiction; provided, that such municipality provides written notification to the Department of Safety prior to the effective date of the ordinance and posts appropriate signage designating such all-terrain vehicle crossing on such street, road or highway;

(2) The governing body of any county may by lawfully enacted resolution regulate the operation of all-terrain vehicles on any street, road or highway solely under the county's jurisdiction; provided, that such county provides written notification to the Department of Safety prior to such resolution becoming effective and posts appropriate signage designating such street, road or highway for all-terrain vehicle use;

(3) An all-terrain vehicle is specifically restricted to only between one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset, and the headlight and taillight shall be illuminated during such operation;

(4) The operator and all passengers of an all-terrain vehicle shall wear a helmet while driving or operating such vehicle on a street, road or highway;

(5) Any additional safety requirements imposed by the local governing body for all-terrain vehicle operation on streets, roads or highways in such municipality, metropolitan government or county; and

(6) No all-terrain vehicles shall be operated on any state highway or any highway that is a part of the interstate and defense highway system.

(f) Operation of the following all-terrain vehicles shall be exempt from subsection (e):

(1) All-terrain vehicles operated for agricultural purposes; and

(2) Publicly-owned and operated all-terrain vehicles that are used for management, law enforcement, emergency services and other such purposes.

SECTION 4. Tennessee Code Annotated, Section 67-4-2109(a)(5)(A), is amended by deleting the language "or convention or trade show facilities;" in its entirety and by substituting instead the following language:

convention or trade show facilities, or tourism related businesses including, but not limited to, restaurants, lodging establishments, or other tourism related attractions;

SECTION 5. Tennessee Code Annotated, Section 67-4-2109(b)(2), is amended by adding the following language as a new subsection:

(C) If the qualified business enterprise is located in area designated as an adventure tourism zone pursuant to § 11-11-204(c), an annual credit shall be allowed as follows:

(i) The additional annual credit shall be allowed for a period of three (3) years beginning with the first tax year after the initial job tax credit is created;

(ii) The additional annual credit shall equal four thousand five hundred dollars (\$4,500) for each qualified job; provided, that the job remains filled by employees during the year in which the credit is being taken. This annual credit may be used to offset up to one hundred percent (100%) of the taxpayer's franchise and excise tax liability for that year. Any unused annual credit, however, shall not be carried forward beyond the year in which the credit originated;

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Yager moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1205**, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Berke--1.

A motion to reconsider was tabled.

### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1598** -- Election Laws -- As introduced, establishes a test to determine whether an elderly person or a person having a mental or developmental disability has committed a felony for attempting to or for voting twice in an election in certain circumstances. Amends TCA Title 2.

### **HOUSE AMENDMENT NO. 1**

AMEND by deleting in its entirety all of the language following the enactment clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-7-112, is amended by deleting in its entirety the first sentence from subdivision (a)(3)(A) and by substituting instead the following:

(3)(A) A person shall be entitled to vote a provisional ballot under the procedures of this section if the voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission or an election official asserts that the individual is not eligible to vote.



SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Marrero moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1598**, which motion prevailed by the following vote:

Ayes .....	27
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2008** -- Lottery, Scholarships and Programs -- As introduced, allows a student with a documented medical disability that restricts the student's attendance to part-time to petition for an extension of time in which to receive a Tennessee HOPE scholarship. Amends TCA Title 49, Chapter 4, Part 9.

### **HOUSE AMENDMENT NO. 2**

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 49-4-913, is amended by adding the following language as a new, appropriately designated subsection:

( ) Notwithstanding the provisions of this section to the contrary limiting the receipt of a HOPE scholarship to a five-year period beginning at the time of a student's initial enrollment at any postsecondary institution, a student who has a documented medical disability and whose eligibility for a HOPE scholarship has not terminated due to meeting another limitation on eligibility applicable to the student under this section, may petition for an extension of the five-year period if, because of the disability, the student can only attend an eligible postsecondary institution part-time. Such extension shall not extend beyond ten (10) years from the date of the student's initial enrollment at any postsecondary institution. TSAC shall promulgate rules and regulations for the approval of extensions of time for receipt of a HOPE scholarship because of medical disabilities. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION \_\_. A student who exhausted eligibility for a Tennessee HOPE scholarship prior to the effective date of this act because five (5) years had passed since the student's initial enrollment at a postsecondary institution, but who would have qualified for an extension of the time under the provisions of Section 1 had such provisions been in effect at the time the student exhausted eligibility, may apply to TSAC to regain the Tennessee HOPE

scholarship. To be eligible for an extension of time, such student shall meet all applicable academic and nonacademic requirements for the scholarship and ten (10) years shall not have passed since the student's initial enrollment at a postsecondary institution.

SECTION \_\_. No retroactive award of a Tennessee HOPE scholarship shall be made under the provisions of this act.

SECTION \_\_. Notwithstanding § 4-5-208 or any other provision of law to the contrary, the Tennessee student assistance corporation is authorized to promulgate emergency rules to implement the provisions of this act.

Senator Berke moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2008**, which motion failed by the following vote:

Ayes .....	13
Noes .....	16

Senators voting aye were: Barnes, Berke, Burks, Finney, Ford, Harper, Henry, Herron, Ketron, Kyle, Marrero, Tate and Mr. Speaker Ramsey--13.

Senators voting no were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, McNally, Overbey, Roberts, Summerville, Tracy, Watson, Woodson and Yager--16.

### **NOTICE**

#### **REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 685/SENATE BILL NO. 567**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 685 (Senate Bill No. 567) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-150(b), is amended by adding the following as a new subdivision (6) and redesignating the subsequent subsections accordingly:

(6) An order requiring the defendant to carry or wear a global positioning monitoring system device and, if able, pay the costs associated with operating that device and electronic receptor device provided to the victim, pursuant to § 40-11-152;

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following as a new section:

40-11-152.

(a)(1) For the purposes of this part, "global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar

device carried or worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology.

(2) "Global positioning monitoring system" does not include a system that contains or operates global positioning system technology, radio frequency identification technology or any other similar technology that is implanted in or otherwise invades or violates the individual's body.

(b) Pursuant to § 40-11-150, the magistrate may order any defendant who is arrested for the offense of stalking, aggravated stalking or especially aggravated stalking, as defined in § 39-17-315, any criminal offense defined in Title 39, Chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10) or (11), or is in violation of an order of protection as authorized by Title 36, Chapter 3, Part 6, to do the following as a condition of bail:

(1) Carry or wear a global positioning monitoring system device and, except as provided by subsection (h), pay the costs associated with operating that system in relation to the defendant; or

(2) If the alleged victim of the offense consents after receiving the information described by subsection (d) and, except as provided by subsection (h), pay the costs associated with providing the victim with an electronic receptor device that:

(A) Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and

(B) Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under § 40-11-150.

(c) Before imposing a condition described by subsection (b), the magistrate must afford an alleged victim an opportunity to provide the magistrate with a list of areas from which the victim would like the defendant excluded and shall consider the victim's request, if any, in determining the locations the defendant will be ordered to refrain from going to or near. If the magistrate imposes a condition described by subsection (b), the magistrate shall specifically describe the locations that the defendant has been ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations.

(d) Before imposing a condition described by subdivision (b)(2), the magistrate must provide to an alleged victim information regarding:

(1) The victim's right to participate in a global positioning monitoring system or to refuse to participate in that system and the procedure for requesting that the magistrate terminate the victim's participation;

(2) The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;

(3) Any locations that the defendant is ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations;

(4) Any sanctions that the magistrate may impose on the defendant for violating a condition of bond imposed under this section;

(5) The procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment fails;

(6) Community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence; and

(7) The fact that the victim's communications with the magistrate concerning the global positioning monitoring system and any restrictions to be imposed on the defendant's movements are not confidential.

(e) In addition to the information described by subsection (d), the magistrate shall provide to an alleged victim who participates in a global positioning monitoring system under this section the name and telephone number of an appropriate person employed by a local law enforcement agency who the victim may call to request immediate assistance if the defendant violates a condition of bond imposed under this section.

(f) In determining whether to order a defendant's participation in a global positioning monitoring system under this section, the magistrate shall consider the likelihood that the defendant's participation will deter the defendant from seeking to kill, physically injure, stalk, or otherwise threaten the alleged victim before trial.

(g) An alleged victim may request that the magistrate terminate the victim's participation in a global positioning monitoring system at any time. The magistrate may not impose sanctions on the victim for requesting termination of the victim's participation in or refusing to participate in a global positioning monitoring system under this section.

(h) The magistrate may allow a defendant to perform community service in lieu of paying the costs required by subsection (b) if the magistrate determines that the defendant is indigent.

(i) The magistrate that imposes a condition described by subsection (b) shall order the entity that operates the global positioning monitoring system to notify the magistrate and the appropriate local law enforcement agency if a defendant violates a condition of bond imposed under this section.

(j) This section shall not limit the authority of the magistrate to impose any other reasonable conditions of bond or enter any orders of protection under other applicable statutes.

(k) The global positioning monitoring of any defendant ordered pursuant to this section shall be provided by the county or municipality in which the court ordering the monitoring is located and shall not be provided by the board of probation and parole.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to all arrests on or after such date.

/s/ Senator Berke  
/s/ Senator Faulk  
/s/ Senator Overbey

/s/ Representative Hardaway  
/s/ Representative Jones  
/s/ Representative Watson

Senator Berke moved that the Conference Committee Report on **House Bill No. 685/Senate Bill No. 567** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Summerville, Tate, Tracy, Watson, Woodson and Yager--28.

A motion to reconsider was tabled.

**MR. SPEAKER RAMSEY RELINQUISHES CHAIR**

Mr. Speaker Ramsey relinquished the Chair to Senator Woodson as Speaker pro tempore.

**CALENDAR NO. 2**

**Senate Bill No. 1540** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, enacts the "Amended and Restated Tennessee Captive Insurance Act". Amends TCA Title 56, Chapter 13.

Senator Ford declared Rule 13 on **Senate Bill No. 1540**.

On motion, Senate Bill No. 1540 was made to conform with **House Bill No. 2007**.

On motion, House Bill No. 2007, on same subject, was substituted for Senate Bill No. 1540.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

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Thereupon, **House Bill No. 2007** passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy and Woodson--27.

A motion to reconsider was tabled.

**MR. SPEAKER RAMSEY RESUMES CHAIR**

Mr. Speaker Ramsey resumed the Chair.

**RECESS**

Senator Norris moved the Senate stand in recess until 6:45 p.m., which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 509. The House lifted the tabling motion and reconsidered Senate Bill No. 509, reconsidered and withdrew Amendment No. 4, adopted Amendment No. 1 and repassed Senate Bill No. 509, as amended.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1030. The House nonconcurrent in Senate Amendment No. 4.

JOE MCCORD,  
Chief Clerk.

**CALENDAR NO. 1**

**Senate Bill No. 910** -- Tobacco, Tobacco Products -- As introduced, prohibits sale of electronic cigarettes to minors; prohibits distribution and sale of nicotine delivery products or devices that have not been approved by FDA as tobacco use cessation products. Amends TCA Title 39, Chapter 17, Part 15 and Title 39, Chapter 17, Part 1.

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On motion, Senate Bill No. 910 was made to conform with **House Bill No. 1729**.

On motion, House Bill No. 1729, on same subject, was substituted for Senate Bill No. 910.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1729** passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**NOTICE**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1624. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Hawk, Dennis and Bass to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1624.

JOE MCCORD,  
Chief Clerk.

Senator Bell moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 1624**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 1624**

The Speaker announced the appointment of a Conference Committee composed of Senators Bell, Chairperson; Barnes and Yager to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1624.

**MESSAGE CALENDAR NO. 3**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 852** -- Taxes, Real Property -- As introduced, specifies that if the assessor of property or the county is unable to comply with present law requirements regarding reappraisal and equalization of property for property tax purposes, then the assessor or county must reimburse the

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state "two times the costs incurred in ensuring compliance" instead of "the costs incurred"; removes the requirement that the state board of equalization sit for a portion of its time in the western and eastern divisions of the state, in addition to its sessions at Nashville. Amends TCA Title 67, Chapter 1 and Title 67, Chapter 5.

### HOUSE AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-5-1501(d), is amended by deleting the language "non-prevailing party" and by substituting instead the language "non-prevailing appellant".

Senator McNally moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 852**.

Senator McNally moved that **Senate Bill No. 852** be placed at the heel of Message Calendar No. 3, which motion prevailed.

### HOUSE BILL ON SENATE AMENDMENT

**House Bill No. 940** -- Special License Plates -- As introduced, authorizes issuance of Tennessee cave salamander special license plates; funds produced from such plates deposited in wildlife resources fund for conservation of game species. Amends TCA Title 55, Chapter 4.

Senator Tracy moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 940**, which motion prevailed.

Senator McNally moved that **Senate Bill No. 852** be placed at the heel of Message Calendar No. 3, which motion prevailed.

### NOTICE

#### MESSAGE FROM THE HOUSE

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 530. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

#### REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 530/SENATE BILL NO. 419

The report was filed and received by the Clerk.



**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 530/SENATE BILL NO. 419**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 530 (Senate Bill No. 419) has met and recommends that the following amendments be deleted: House Amendment No. 1, and Senate Amendment No. 1 and Senate Amendment No. 2

The Committee further recommends that the following amendment be adopted:

SECTION 1. Tennessee Code Annotated, Section 8-10-102(a)(1), is amended by deleting subdivision (C) in its entirety and by substituting instead the following:

(C)(i) Any person holding the office of constable on or before June 30, 2011, shall be able to read and write;

(ii) Any person elected or appointed to the office of constable on or after July 1, 2011, shall possess at least a high school diploma or general educational development certificate (GED); provided, however, this subdivision (a)(1)(C)(ii) shall not apply to any person holding the office of constable on June 30, 2011, and who is re-elected to the office of constable on or after July 1, 2011, without any interruption in holding such office.

SECTION 2. Tennessee Code Annotated, Section 8-10-109(b)(1), is amended by designating subdivision (1) as (1)(ii) and by adding the following language to subdivision (1):

(ii) Except as provided in subdivision (iii), any such action by the county legislative body to remove such law enforcement powers shall apply to constables elected for terms of office following the expiration of the term of office of constable's in office at the time such action is taken by the county legislative body.

(iii) If during a constable's term of office, a constable is convicted of any felony or is removed from office under § 8-47-101 for knowingly or willfully committing misconduct in office, then with respect to such constable, the action of the county legislative body for removal of law enforcement powers shall become effective on the date such constable is removed from office or the date of the felony conviction; provided, however, if the felony conviction is overturned and there is additional time remaining on the term of office for which the constable was elected, the law enforcement powers shall be restored to such constable until the end of such term of office.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. Section 1 of this act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to any election or appointment to the office of constable on or

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after such date. Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Barnes  
/s/ Senator Crowe  
/s/ Senator Faulk

/s/ Representative Campbell  
/s/ Representative Ford  
/s/ Representative Kent Williams

Senator Crowe moved that the Conference Committee Report on **House Bill No. 530/Senate Bill No. 419** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes ..... 25  
Noes ..... 0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson and Mr. Speaker Ramsey--25.

A motion to reconsider was tabled.

**MESSAGE CALENDAR NO. 3**

**FURTHER ACTION ON SENATE BILL NO. 852**

Senator McNally moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 852**, which motion prevailed by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**MESSAGE CALENDAR NO. 4**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 509** -- Orders of Protection -- As introduced, allows the court to assess all court costs, filing fees, litigation taxes and attorneys' fees against a petitioner seeking an order of protection if the court conducts a hearing separate from the hearing on the petition and determines that the petitioner is not a domestic abuse, stalking or sexual assault victim, the refusal to issue or extend an order was based on such fact, and the petition was filed frivolously. Amends TCA Title 36, Chapter 3, Part 6.

Senator Faulk moved that the Senate refuse to recede from its action in nonconcurring in House Amendment No.1 to **Senate Bill No. 509**, which motion prevailed.

Senator Faulk moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 509**, which motion prevailed.

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**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
SENATE BILL NO. 509**

The Speaker announced the appointment of a Conference Committee composed of Senators Faulk, Chairperson; Crowe and Barnes to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 509.

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 1030** -- Education -- As introduced, enacts "The Virtual Public Schools Act". Amends TCA Title 49.

Senator Gresham moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 4 to House Bill No. 1030, which motion prevailed.

**MOTION**

Senator Kyle moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 515**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 515** -- Memorials, Personal Occasion -- Allene Comielle Coleman McGuire, eightieth birthday.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 515** was concurred in.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 940. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives Phillip Johnson, Sargent and Curtiss to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 940.

JOE MCCORD,  
Chief Clerk.

Senator Tracy moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 940**, which motion prevailed.

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**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 940**

The Speaker announced the appointment of a Conference Committee composed of Senators Tracy, Chairperson; Overbey and Finney to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 940.

**MESSAGE FROM THE HOUSE  
May 21, 2011**

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1030. The House refused to recede from its action in nonconcurring in Senate Amendment No. 4. The Speaker appointed a Conference Committee composed of Representatives Windle, Ryan Williams and Harry Brooks to confer with a like committee from the Senate to resolve the differences between the Bodies on House Bill No. 1030.

JOE MCCORD,  
Chief Clerk.

Senator Gresham moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 1030**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 1030**

The Speaker announced the appointment of a Conference Committee composed of Senators Gresham, Chairperson; Woodson and Burks to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1030.

**MOTION**

Senator Berke requested that **Senate Bill No. 2008** be returned from the House, which motion prevailed.

**NOTICES**

**MESSAGE FROM THE HOUSE  
May 21, 2011**

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 509. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives Dennis, Faison and Camper to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 509.

JOE MCCORD,  
Chief Clerk.

REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 570/SENATE BILL NO. 509

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 570 (Senate Bill No. 509) has met and recommends that the following amendments be deleted:

House Amendment No. 1 and Senate Amendment No. 1

The Committee further recommends that the following amendment be adopted:

House Amendment No. 4, which reads as follows:

AMEND by deleting subdivisions (a)(2) and (a)(3) of the amendatory language of Section 1 and substituting instead the following:

(2) If the court does not issue or extend an order of protection, the court may assess all court costs, filing fees, litigation taxes and attorney fees against the petitioner if the court makes the following finding by clear and convincing evidence:

(a) The petitioner is not a domestic abuse victim, stalking victim or sexual assault victim and that such determination is not based on the fact that the petitioner requested that the petition be dismissed, failed to attend the hearing or incorrectly filled out the petition; and

(b) The petitioner knew that the allegation of domestic abuse, stalking, or sexual assault was false at the time the petition was filed.

AND FURTHER AMEND by adding the following new Section 2 and by renumbering the present Section 2 accordingly:

SECTION 2. Tennessee Code Annotated, Section 36-3-606(a), is amended by adding the following new, appropriately numbered subdivision:

( ) Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children. Nothing in this subdivision shall be construed as altering the terms of, liability for, or parties to such lease or rental agreement.

/s/ Senator Faulk  
/s/ Senator Barnes  
/s/ Senator Crowe

/s/ Representative Dennis  
/s/ Representative Camper  
/s/ Representative Faison

Senator Faulk moved that the Conference Committee Report on **House Bill No. 570/Senate Bill No. 509** be adopted and made the action of the Senate, which motion prevailed by the following vote:

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Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1624. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1624/SENATE BILL NO. 1400**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1624/SENATE BILL NO. 1400**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1624 (Senate Bill No. 1400) has met and recommends that the following amendments be deleted:

No Amendments Deleted

The Committee further recommends that the following amendment be adopted:

Senate Committee Amendment No. 1, which reads as follows:

AMEND by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

( ) Notwithstanding any provision of this part to the contrary, this section shall not apply to a person who installs software on a computer the person owns if such software is intended solely to monitor and record the use of the Internet by a minor child of whom such person is a parent or legal guardian.

/s/ Senator Bell  
/s/ Senator Barnes  
/s/ Senator Yager

/s/ Representative Hawk  
/s/ Representative Dennis  
/s/ Representative Bass

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Senator Bell moved that the Conference Committee Report on **House Bill No. 1624/Senate Bill No. 1400** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 24  
Noes . . . . . 2

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Finney, Ford, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Faulk and Overbey--2.

A motion to reconsider was tabled.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 940. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 940/SENATE BILL NO. 664**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 940/SENATE BILL NO. 664**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 940 (Senate Bill No. 664) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting the preamble of the introduced bill in its entirety.

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Adoption;

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SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c), to recognize and encourage the compassionate practice of adoption.

(b) The new specialty earmarked license plates provided for in this section shall be designed to recognize the benevolent aspects of adoption. Such plates shall be designed in consultation with distinguished adoption entities.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated equally to the Adoption Foundation of Tennessee, Inc., and Harmony Adoptions of Tennessee, Inc., in accordance with § 55-4-215. Such funds shall be used exclusively to facilitate adoption in Tennessee.

SECTION 3. Notwithstanding § 55-4-201(h)(1), the Memphis Rock 'n' Soul Museum new specialty earmarked license plates authorized for issuance pursuant to § 55-4-342 shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 4. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Historic Collierville;

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued an Historic Collierville new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates shall be of an appropriate design representative of historic Collierville, Shelby County, Tennessee, and shall include the language "Historic Collierville". The plates shall be designed in consultation with Main Street Collierville.

(c) The funds produced from the sale of Historic Collierville new specialty earmarked license plates shall be allocated to Main Street Collierville, in accordance with § 55-4-215. The funds shall be used exclusively for Main Street Collierville's community-wide effort to create and implement a shared vision for the future of Collierville, Tennessee.



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SECTION 6. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Harpeth River Watershed Association;

SECTION 7. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a Harpeth River Watershed Association new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates shall be of an appropriate design representative of the Harpeth River Watershed Association and shall include the language "Harpeth River". The plates shall be designed in consultation with the Harpeth River Watershed Association.

(c) The funds produced from the sale of the Harpeth River Watershed Association new specialty earmarked license plates shall be allocated to the Harpeth River Watershed Association, in accordance with § 55-4-215. The funds shall be used for restoring and protecting the ecological health of the Harpeth River and clean water in Tennessee.

SECTION 8. Tennessee Code Annotated, Section 55-4-344, is amended by adding the following language as a new section:

(d) Notwithstanding § 55-4-201(h)(1), the T.C. Thompson Children's Hospital new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 9. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Tennessee's veterans;

SECTION 10. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c), that pays tribute to Tennessee's veterans, who have sacrificed so much in defending our liberties and rights as American citizens, with many of them making the ultimate sacrifice in the line of duty.

(b) The new specialty earmarked license plates provided for in this section shall be designed to appropriately express Tennesseans' appreciation of and gratitude to our veterans and their courageous service at home and abroad and their ongoing legacy of volunteerism. Such plates shall be designed in consultation with the Department of Veterans Affairs; provided, however, nothing in the design of such plates shall indicate or infer that the owner or lessee of the motor vehicle is a veteran of the United States Armed Forces.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Tennessee state veterans' homes board in accordance with § 55-4-215. Such funds shall be used exclusively for the planning, construction, operation, and maintenance of the state veterans' homes to be built in Bradley County and Montgomery County in equal amounts.

SECTION 11. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) SpiritHorse Therapeutic Riding;

SECTION 12. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a SpiritHorse Therapeutic Riding new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates shall be of an appropriate design representative of the SpiritHorse mission of working with special needs children, and shall include the language "SpiritHorse". The plates shall be designed in consultation with SpiritHorse At Black Fox.

(c) The funds produced from the sale of SpiritHorse Therapeutic Riding new specialty earmarked license plates shall be allocated to SpiritHorse At Black Fox, in accordance with § 55-4-215. The funds shall be used for SpiritHorse At Black Fox's efforts in this state to assist children with special needs in reaching their full potential through interaction with horses.

SECTION 13. Notwithstanding the time limitations of § 55-4-201(h)(1), the Fisk Jubilee Singers new specialty earmarked license plate for a motor vehicle authorized by § 55-4-332 shall have until July 1, 2012, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

SECTION 14. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Donate Life;

SECTION 15. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Donate Life new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of Donate Life and be designed with the assistance of Tennessee Donor Services.

(c) The funds produced from the sale of Donate Life new specialty earmarked license plates shall be allocated to Tennessee Donor Services, the organ and tissue donation registry, in accordance with § 55-4-215, for the sole purpose of raising awareness for organ and tissue donation in this state.

SECTION 16. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Prince Hall Masons;

SECTION 17. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Prince Hall Masons new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of Prince Hall Affiliation Free and Accepted Masonry. Such plates shall be designed in consultation with the Grand Master of the Jurisdiction of the Most Worshipful Prince Hall Grand Lodge, Free and Accepted Masons, State of Tennessee.

(c) The funds produced from the sale of Prince Hall Masons new specialty earmarked license plates shall be allocated to Prince Hall Masons Grand Lodge of Tennessee in accordance with the provisions of § 55-4-215. Such funds shall be used exclusively to benefit and further the goals of the Knights of Pythagoras, the Prince Hall Masons' youth organization for mentoring young men in this state.

SECTION 18. Tennessee Code Annotated, Section 55-4-239, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) Upon the death of the spouse who was entitled to receive a holder of the Purple Heart registration plate, the widow or widower shall be entitled to receive, free of charge, a Purple Heart registration plate for no more than two (2) motor vehicles or

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two (2) recreational vehicles owned or leased by such widow or widower. The application shall be accompanied by a copy of the death certificate.

(g) Additional license plates may be obtained by any person entitled to receive the holders of the Purple Heart registration plate upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of a fee equal to the cost of actually producing the plate.

SECTION 19. Tennessee Code Annotated, Section 55-4-328, is amended by adding the following language as a new subsection:

(d) Notwithstanding § 55-4-201(h)(1), the Habitat for Humanity new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 20. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Labrador Retriever Foundation;

SECTION 21. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a Labrador Retriever Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates authorized by this section shall be of an appropriate design representative of the Labrador Retriever Foundation and shall include the language "Labrador Retriever". The plates shall be designed in consultation with the Labrador Retriever Foundation.

(c) The funds produced from the sale of Labrador Retriever Foundation new specialty earmarked license plates shall be allocated to the Labrador Retriever Foundation, in accordance with § 55-4-215. The funds shall be used to promote the health and research initiatives of the Labrador Retriever breed in Tennessee and to recognize the Labrador Retriever as a working breed and its importance to sportsmen, the disabled community, military, law enforcement, and others who rely on the breed's services.

SECTION 22. Tennessee Code Annotated, Section 55-4-202(c)(4), is amended by adding the following as new, appropriately designated subdivisions:

( ) Air Medal recipient;

( ) Distinguished Flying Cross recipient;

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SECTION 23. Tennessee Code Annotated, Section 55-4-203(b), is amended by adding the following as new, appropriately designated subdivisions:

( ) Air Medal recipients;

( ) Distinguished Flying Cross recipients;

SECTION 24. Tennessee Code Annotated, Section 55-4-236(a), is amended by inserting the language "the Distinguished Flying Cross, the Air Medal," between the language "the Distinguished Service Cross," and the language "the Navy Cross" in the first sentence thereof.

SECTION 25. Tennessee Code Annotated, Section 55-4-240, is amended by inserting the language "Distinguished Flying Cross, Air Medal," between the language "Distinguished Service Cross," and the language "Air Force Cross".

SECTION 26. Tennessee Code Annotated, Section 55-4-278(a)(2), is amended by inserting the language "the Distinguished Flying Cross, the Air Medal," between the language "the Distinguished Service Cross," and the language "the Navy Cross".

SECTION 27. Tennessee Code Annotated, Section 55-4-278(b), is amended by inserting the language "the Distinguished Flying Cross, the Air Medal," between the language "the Distinguished Service Cross," and the language "the Navy Cross".

SECTION 28. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Stax Museum of American Soul Music;

SECTION 29. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Stax Museum of American Soul Music new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of the Stax Museum of American Soul Music. Such plates shall be designed in consultation with the executive officers of Stax Museum of American Soul Music.

(c) The funds produced from the sale of Stax Museum of American Soul Music new specialty earmarked license plates shall be allocated to the Stax Museum of American Soul Music in accordance with the provisions of § 55-4-215. Such funds shall be used exclusively to benefit and further the goals of the Stax Museum of American Soul Music.

SECTION 30. Tennessee Code Annotated, Section 55-4-293, is amended by adding the following language as a new subsection (e):

(e) Notwithstanding § 55-4-201(h)(1), the Civil War Preservation new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 31. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) Tennessee Equine Association;

SECTION 32. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2\_\_.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-203, shall be issued a Tennessee Equine Association new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates authorized by this section shall be of an appropriate design representative of the Tennessee Equine Association and shall include a visual depiction of a horse or horses. The plates shall be designed in consultation with the Tennessee Equine Association.

(c) The funds produced from the sale of Tennessee Equine Association new specialty earmarked license plates shall be allocated to the Tennessee Equine Association in accordance with § 55-4-215. The funds shall be used to promote and improve the equine industry in Tennessee.

SECTION 33. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) American Red Cross;

SECTION 34. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an American Red Cross new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain an appropriate logo or design representative of the organization and shall be designed in consultation with the directors of American Red Cross.

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(c) In accordance with § 55-4-215, the funds produced from the sale of American Red Cross new specialty earmarked license plates shall be allocated to Tennessee chapters of the American Red Cross to be used in furtherance of the American Red Cross's mission to alleviate and to prevent human suffering by providing relief to victims of disasters and helping people prevent, prepare for, and respond to emergencies.

SECTION 35. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

( ) National Civil Rights Museum;

SECTION 36. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a National Civil Rights Museum new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be designed in consultation with the board of directors of the National Civil Rights Museum.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Lorraine Motel Foundation, in accordance with § 55-4-215, to be used exclusively for educational and programming assistance to the National Civil Rights Museum.

SECTION 37. Tennessee Code Annotated, Section 55-4-327, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d) Notwithstanding § 55-4-201(h)(1), the Rotary International new specialty earmarked license plates authorized for issuance pursuant to this section shall have until July 1, 2012, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 38. Tennessee Code Annotated, Section 55-4-276(c), is amended by deleting the third sentence in its entirety and by substituting instead the following language:

Notwithstanding any provision of law to the contrary, the new specialty earmarked plates provided for in this section shall have until July 1, 2012, to meet the initial issuance requirements of § 55-4-201(h)(1).

SECTION 39. Tennessee Code Annotated, Section 55-4-202(c)(7)(SS), is amended by deleting subdivision (SS) in its entirety and by substituting instead the following:

(SS) Tennessee Fraternal Order of Police;

SECTION 40. Tennessee Code Annotated, Section 55-4-245, is amended by deleting the section in its entirety and by substituting instead the following:

55-4-245.

(a) An owner or lessee of a motor vehicle who is a resident of this state and who is certified as a member or associate member of the Tennessee Fraternal Order of Police, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee Fraternal Order of Police new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b)(1) The application for such registration plates shall be accompanied by a statement from the Tennessee Fraternal Order of Police certifying the applicant to be a member or associate member of the organization.

(2) Only members and associate members of the Tennessee Fraternal Order of Police or their spouses and shall be permitted to receive the registration plates.

(c) The registration plates provided for in this section shall be of the same design as the Fraternal Order of Police plates authorized and issued prior to July 1, 2011, and shall bear the inscription "FRATERNAL ORDER OF POLICE" or "FOP" and an appropriate standardized insignia of the organization. For applicants who are associate members of the Tennessee Fraternal Order of Police, the Fraternal Order of Police plates, the strip along the bottom of the license plate shall also bear the language "ASSOCIATE MEMBER".

(d)(1) Within thirty (30) days of terminating membership or associate membership in the Tennessee Fraternal Order of Police, an applicant to whom a registration plate has been issued pursuant to this section shall surrender the plate to the county clerk of the county of the applicant's residence.

(2) The Tennessee Fraternal Order of Police shall provide biannually to the department the names and addresses of any persons who have terminated their membership or associate membership in the Tennessee Fraternal Order of Police, together with any other identifying information as the commissioner may require.

(e) The commissioner is authorized and shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Tennessee Fraternal Order of Police plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-203, prior to the issuance of the plate.



(f) Funds produced from the sale of Tennessee Fraternal Order of Police specialty earmarked license plates shall be allocated to the Tennessee Fraternal Order of Police Charitable Foundation in accordance with § 55-4-215.

(g) Notwithstanding any law to the contrary, any person issued a Fraternal Order of Police license plate prior to July 1, 2011, shall be entitled to retain the license plate for vehicular use upon compliance with all motor vehicle laws relating to registration and licensing of motor vehicles and payment of all required fees. Such plates shall be considered Tennessee Fraternal Order of Police specialty earmarked plates upon their first renewal on or after July 1, 2011, upon the applicant's designation.

(h) For the purposes of § 55-4-201(h)(1), all license plates authorized or issued pursuant to subsections (a), (e) and (g) shall be jointly included in any determinations for initial issuance and continuation of issuance. If Tennessee Fraternal Order of Police specialty earmarked plates are subsequently deemed obsolete pursuant to § 55-4-201(h)(1), such determination shall also apply to all Fraternal Order of Police license plates issued prior to July 1, 2011.

SECTION 41. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 42. This act shall take effect July 1, 2011, the public welfare requiring it.

/s/ Senator Tracy  
/s/ Senator Finney  
/s/ Senator Overbey

/s/ Representative Phillip Johnson  
/s/ Representative Curtiss  
/s/ Representative Sargent

Senator Tracy moved that the Conference Committee Report on **House Bill No. 940/Senate Bill No. 664** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2008, as requested.

JOE MCCORD,  
Chief Clerk.

SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2008** -- Lottery, Scholarships and Programs -- As introduced, allows a student with a documented medical disability that restricts the student's attendance to part-time to petition for an extension of time in which to receive a Tennessee HOPE scholarship. Amends TCA Title 49, Chapter 4, Part 9.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 49-4-913, is amended by adding the following language as a new, appropriately designated subsection:

( ) Notwithstanding the provisions of this section to the contrary limiting the receipt of a HOPE scholarship to a five-year period beginning at the time of a student's initial enrollment at any postsecondary institution, a student who has a documented medical disability and whose eligibility for a HOPE scholarship has not terminated due to meeting another limitation on eligibility applicable to the student under this section, may petition for an extension of the five-year period if, because of the disability, the student can only attend an eligible postsecondary institution part-time. Such extension shall not extend beyond ten (10) years from the date of the student's initial enrollment at any postsecondary institution. TSAC shall promulgate rules and regulations for the approval of extensions of time for receipt of a HOPE scholarship because of medical disabilities. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION \_\_. A student who exhausted eligibility for a Tennessee HOPE scholarship prior to the effective date of this act because five (5) years had passed since the student's initial enrollment at a postsecondary institution, but who would have qualified for an extension of the time under the provisions of Section 1 had such provisions been in effect at the time the student exhausted eligibility, may apply to TSAC to regain the Tennessee HOPE scholarship. To be eligible for an extension of time, such student shall meet all applicable academic and nonacademic requirements for the scholarship and ten (10) years shall not have passed since the student's initial enrollment at a postsecondary institution.

SECTION \_\_. No retroactive award of a Tennessee HOPE scholarship shall be made under the provisions of this act.

SECTION \_\_. Notwithstanding § 4-5-208, or any other provision of law to the contrary, the Tennessee student assistance corporation is authorized to promulgate emergency rules to implement the provisions of this act.

Senator Berke moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2008**, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	0

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**MOTION**

Senator Norris moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 468**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 468** by Senator Norris.  
General Assembly, Adjournment -- Adjourns 2011 Session of 107th General Assembly at close of business on May 21, 2011, and convenes 2012 Session at 12 noon on January 10, 2012.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 468** was adopted.

A motion to reconsider was tabled.

**NOTICE**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1030. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1030/SENATE BILL NO. 874**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1030/SENATE BILL NO. 874**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1030 (Senate Bill No. 874) has met and recommends that all amendments be deleted:

The Committee further recommends that the following amendment be adopted:

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AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 16, is amended by adding the following as a new Part 2:

49-16-201. This part shall be known and may be cited as the "Virtual Public Schools Act".

49-16-202. The purpose of this part is to provide an LEA with an alternative choice to offer additional educational resources in an effort to improve academic achievement.

49-16-203. As used in this part, unless the context otherwise requires:

(1) "Establisher" means an LEA; and

(2) "Virtual school" means a public school in which the school uses technology in order to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting.

49-16-204. Virtual schools may be established by an LEA. A virtual school shall be a public school and shall be provided resources as any other public school in the state.

49-16-205. A virtual school shall provide each student enrolled in the school:

(1) Access to a sequential curriculum that meets or exceeds the curriculum standards adopted by the State Board of Education. The sequential curriculum shall have an interactive program with significant online components;

(2) The same length of time for learning opportunities per academic year that is required under § 49-6-3004 for public school students; provided, however, that a student, at the student's own pace, may demonstrate mastery or completion of a course or subject area and be given credit for the course or subject area; and

(3) Regular assessment in language arts, math, science and social studies.

49-16-206. For each family with a student enrolled, the virtual school shall:

(1) Provide instructional materials;

(2) Ensure access to necessary technology such as a computer and printer; and

(3) Ensure access to an Internet connection used for schoolwork.

49-16-207. Virtual schools shall not provide assistance to students or families to purchase instructional programs or materials. Nothing in this section shall prohibit virtual schools from reimbursing families for costs associated with their Internet connection for use in the virtual school program.

49-16-208. Each teacher employed at a virtual school shall be qualified to teach in this state under existing law.

49-16-209. Nothing in this part shall preclude the use of computer-based and Internet-based instruction for students in a virtual or remote setting.

49-16-210. A virtual school shall maintain an administrative office within the state. This office shall be considered its principal place of business.

49-16-211. Any student who is eligible for enrollment in a public school in this state may enroll in a virtual school as either a full-time virtual school student or as a part-time virtual school student taking some of the student's courses through the virtual school. An LEA is authorized to charge tuition to any person not enrolled in a public school within the LEA for attendance in an LEA established virtual school.

49-16-212. In order to encourage collaboration among LEAs, a virtual school is authorized to operate according to the authority granted by the Educational Cooperation Act compiled in Chapter 2, Part 13 of this title.

49-16-213. A virtual school shall be evaluated annually by its establisher based on the following criteria:

(1) The extent to which the school demonstrates increases in student achievement according to the goals of its authorizing contract and state academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal and operational performance.

49-16-214. An establisher may contract for services with nonprofit and for-profit entities in the operation and management of the virtual school.

SECTION 2. The State Board of Education shall promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it and is hereby repealed on June 30, 2015.

/s/ Senator Gresham  
/s/ Madam Speaker Pro Tempore Woodson  
/s/ Senator Burks

/s/ Representative Harry Brooks  
/s/ Representative Ryan Williams  
/s/ Representative Windle

Senator Gresham moved that the Conference Committee Report on **House Bill No. 1030/Senate Bill No. 874** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 21  
Noes . . . . . 9

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Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Herron, Kyle and Marrero--9.

A motion to reconsider was tabled.

### **MOTION**

Senator Norris moved that a committee be appointed by the Speaker to notify the House that the Senate had completed its business and was ready to adjourn, which motion prevailed.

Senator Norris moved that a committee be appointed by the Speaker to notify the Governor that the Senate had completed its business and was ready to adjourn, which motion prevailed.

### **APPOINTMENT OF SELECT COMMITTEES**

The Speaker announced the appointments of Madam Speaker Pro Tempore Woodson, Chairperson; Johnson, Gresham, Finney, Harper and Berke to notify the Governor that the Senate had completed its business and was ready to adjourn.

The Speaker announced the appointments of Senators Marrero, Chairperson; Kelsey, Summerville, Roberts, Ford and Barnes to notify the House that the Senate had completed its business and was ready to adjourn.

### **RECESS**

The Senate stood in recess pending reports from the two committees.

### **CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

### **ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

### **REPORT OF SELECT COMMITTEES**

Madam Speaker Pro Tempore Woodson advised the Senate that the Governor had been notified that the Senate had completed its business and was ready to adjourn.

Senator Marrero advised the Senate that the House had been notified that the Senate had completed its business and was ready to adjourn.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2011

MR. SPEAKER: I am directed to notify the Senate that the House has completed its business and is ready to adjourn in accordance with Senate Joint Resolution No. 468.

JOE MCCORD,  
Chief Clerk.

MOTION

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 40**.

On motion of Senators Tate, Ford, Kelsey, Kyle, Marrero, Norris, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Ketron, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 516**.

On motion of Senators Faulk, Barnes, Harper, Ketron, Ford and Berke, their names were added as sponsors of **Senate Bill No. 64**.

On motion of Senators Yager and Ford, their names were added as sponsors of **Senate Bill No. 69**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 69, 343, 476, 605, 633, 664, 690, 869, 1850, 1869, 1996 and 2008**.

On motion of Senators Beavers, Gresham, Johnson, Faulk, Finney, Berke, Barnes, Roberts, Marrero, Burks, Watson, Ketron, McNally, Woodson, Summerville, Tate and Ford, their names were added as sponsors of **Senate Bill No. 261**.

On motion of Senators Ford, Tate and Johnson, their names were added as sponsors of **Senate Bill No. 267**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bills Nos. 343 and 690**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bills Nos. 372, 633 and 874; and Senate Joint Resolution No. 467**.

On motion of Senators Campfield and Ford, their names were added as sponsors of **Senate Bill No. 370**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 476**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 541**.

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On motion of Senator Roberts, his name was added as prime sponsor of **Senate Bill No. 595**.

On motion of Senators Berke, Ford, Harper, Burks and Overbey, their names were added as sponsors of **Senate Bill No. 605**.

On motion of Senators Marrero and Ford, their names were added as sponsors of **Senate Bill No. 690**.

On motion of Senators McNally, Roberts, Gresham and Ford, their names were added as sponsors of **Senate Bill No. 869**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bills Nos. 1008 and 2008**.

On motion of Senators Roberts and Summerville, their names were added as sponsors of **Senate Bill No. 1028**.

On motion of Senators Tate, Barnes and Ford, their names were added as sponsors of **Senate Bill No. 1161**.

On motion of Senators Beavers, Summerville, Johnson, Ketron, McNally, Bell and Campfield, their names were added as sponsors of **Senate Bill No. 1684**.

On motion of Senators Harper and Barnes, their names were added as sponsors of **Senate Bills Nos. 1993 and 2008**.

On motion of Senators Crowe, Faulk and Ford, their names were added as sponsors of **Senate Bill No. 1996**.

On motion of Senators Harper, Barnes and Stewart, their names were added as sponsors of **Senate Bill No. 2114**.

On motion of Senators Gresham, Ford and Roberts, their names were added as sponsors of **Senate Bill No. 633**.

On motion of Senators Norris, Marrero and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 463**.

On motion of Senators Marrero, Kyle, Kelsey, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Ketron, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 464**.

On motion of Senators Roberts and Ford, their names were added as sponsors of **House Joint Resolutions Nos. 53 and 397**.

On motion of Senators Beavers, Ford and Marrero, their names were added as sponsors of **House Joint Resolution No. 125**.



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On motion of Senators Harper and Ford, their names were added as sponsors of **House Joint Resolutions Nos. 179 and 197.**

On motion of Senators Woodson, Marrero and Henry, their names were added as sponsors of **House Joint Resolution No. 194.**

On motion of Senators Tracy and Ford, their names were added as sponsors of **House Joint Resolution No. 304.**

On motion of Senator Finney and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 360.**

On motion of Senators Beavers, Johnson, Ford, Marrero and Yager, their names were added as sponsors of **House Joint Resolutions Nos. 397 and 398.**

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 398.**

On motion of Senators Crowe, Southerland, Faulk and Ford, their names were added as sponsors of **House Joint Resolution No. 425.**

On motion of Senator Barnes; Mr. Speaker Ramsey; and Senators Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketrone, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager, their names were added as sponsors of **House Joint Resolution No. 498.**

On motion of Senators Kyle, Marrero, Norris, Tate, Ford and Harper, their names were added as sponsors of **House Joint Resolutions Nos. 499 and 500.**

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 499.**

On motion of Senators Roberts, Barnes, Harper and Ford, their names were added as sponsors of **House Joint Resolution No. 501.**

On motion of Senators Gresham, Ford and Barnes, their names were added as sponsors of **House Joint Resolution No. 502.**

On motion of Senators Tracy and Barnes, their names were added as sponsors of **House Joint Resolution No. 503.**

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 505 and 506.**

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 507, 512 and 513.**

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On motion of Senators Ford, Marrero, Kyle, Kelsey and Tate, their names were added as sponsors of **House Joint Resolution No. 511**.

On motion of Senators Kyle, Ford, Kelsey, Marrero, Norris and Tate, their names were added as sponsors of **House Joint Resolution No. 515**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 39, 77, 409, 546, 664, 1100 and 2017; Senate Joint Resolutions Nos. 353 and 354; and House Joint Resolution No. 200**.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 39 and 40, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 64, 69 and 77; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 261, 267 and 343; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 476, 541, 542, 546 and 601; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 633 and 690, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 1004, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1100, 1161 and 1666; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1684 and 1996, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1850 and 2008; and Senate Joint Resolutions Nos. 353 and 354; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

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**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 2119, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 462, 463, 464 and 465; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 21, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 468, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 603, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 837 and 889, passed by the House.

JOE MCCORD,  
Chief Clerk.

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**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 940, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1030, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1264, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1501, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1618, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1729, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 389. The House lifted the tabling motion and reconsidered Senate Bill No. 389, reconsidered and withdrew Amendment No. 1, and repassed Senate Bill No. 389 on third and final consideration.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 505, 506, 507, 508, 509, 510, 511, 512, 513 and 514; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 515, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 516, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 40, 77, 267 and 601, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 64, 69, 261, 343, 476, 541, 542, 546, 633, 690, 923, 1100, 1161, 1420, 1550, 1666, 1684, 1850, 1851, 1996 and 2119; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 688 and 1915, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 725, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 509. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 567. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 315, 321, 328, 462, 463, 464, 465, 466 and 467; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 354, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 454, 455, 459, 460 and 461; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 468, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 21, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 165, 350, 351 and 516; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

May 21, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 53, 125, 179, 197, 200, 217, 304, 397, 425, 498, 499, 500, 501, 502 and 503.

**SIGNED**

May 21, 2011

The Speaker announced that he had signed the following: House Joint Resolution No. 165, 350, 351 and 516.

**MOTION TO APPROVE THE JOURNAL**

Senator Norris moved that the Senate Journal of the proceedings from the First Organizational Day through the Fifth Organizational Day, and the First Legislative Day through the Thirty-Ninth Legislative Day of the First Regular Session of the One Hundred Seventh General Assembly be approved, which motion prevailed.

**ADJOURNMENT**

Thereupon, in accordance with **Senate Joint Resolution No. 468**, Mr. Speaker Ramsey declared the Senate of the First Regular Session of the One Hundred Seventh General Assembly adjourned.

Ron Ramsey  
Speaker of the Senate

Attest: Russell A. Humphrey  
Chief Clerk of the Senate



**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

All bills and joint resolutions presented to the Governor subsequent to May 10, 2011, for his actions, being within ten days of the adjournment of the First Regular Session of the One Hundred Seventh General Assembly, prevents the return of said bills to the Senate within the ten-day period. Accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's Veto Power of the Constitution of Tennessee.

**RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED  
TO GOVERNOR SUBSEQUENT TO ADJOURNMENT**

**SIGNED**

May 23, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 194, 360, 398, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514 and 515.

**REPORT OF CHIEF ENGROSSING CLERK**

May 23, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 16, 609, 1007, 1431, 1539, 1659 and 1721; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

May 23, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 349, 352, 1045, 1055, 1405, 1416, 1464, 1880, 1910, 1988 and 2029; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

May 23, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolution No. 276, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE HOUSE**

May 24, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2135, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 24, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 30, 137, 146, 155, 166, 172, 219, 249, 257, 334, 396, 492, 493, 511, 530, 546, 571, 592, 648, 667, 676, 687, 694, 712, 713, 718, 837, 840, 865, 869, 889, 914, 940, 966, 985, 986, 992, 1008 and 1023; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 24, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1030, 1046 and 1066; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 24, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1201, 1210, 1214, 1246, 1248, 1268, 1305, 1336, 1353, 1358, 1378, 1478, 1565, 1624, 1631, 1641, 1644, 1671, 1698, 1729, 1747, 1748, 1877, 1909, 1920, 1951, 1956, 1980, 1989, 1994, 1995, 2007, 2008, 2010, 2039, 2136, 2138, 2149, 2154, 2156 and 2158; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

May 24, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 122, 192, 213, 226, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 355 and 367; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**ENROLLED BILLS**

May 25, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 40, 64, 69, 77, 113, 256, 261, 266, 267, 343, 389, 424, 439, 476, 509, 541, 542, 546, 567, 601, 633, 688, 690, 725, 730, 772, 775, 827, 852, 923, 932, 943, 1100, 1161, 1205, 1239, 1334, 1348, 1420, 1445, 1550, 1598, 1666, 1671, 1684, 1707, 1850, 1851, 1915, 1996, 2008 and 2119; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**ENROLLED BILLS**

May 25, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 26, 66, 67, 68, 69 and 70; and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**SIGNED**

May 25, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 40, 64, 69, 77, 113, 256, 261, 266, 267, 343, 389, 424, 439, 476, 509, 541, 542, 546, 567, 601, 633, 688, 690, 725, 730, 772, 775, 827, 852, 923, 932, 943, 1100, 1161, 1205, 1239, 1334, 1348, 1420, 1445, 1550, 1598, 1666, 1671, 1684, 1707, 1850, 1851, 1915, 1996, 2008 and 2119.

**SIGNED**

May 25, 2011

The Speaker announced that he had signed the following: Senate Resolutions Nos. 26, 66, 67, 68, 69 and 70.

**SIGNED**

May 25, 2011

The Speaker announced that he had signed the following: House Bills Nos. 30, 137, 146, 155, 166, 172, 219, 249, 257, 334, 396, 492, 493, 511, 530, 546, 571, 592, 648, 667, 676, 687, 694, 712, 713, 718, 837, 840, 865, 869, 889, 914, 940, 966, 985, 986, 992, 1008, 1023, 1030, 1046, 1066, 1201, 1210, 1214, 1246, 1248, 1268, 1305, 1336, 1353, 1358, 1378, 1478, 1565, 1624, 1631, 1641, 1644, 1671, 1698, 1729, 1747, 1748, 1877, 1909, 1920, 1951, 1956, 1980, 1989, 1994, 1995, 2007, 2008, 2010, 2039, 2135, 2136, 2138, 2149, 2154, 2156 and 2158.

**ENROLLED BILLS**

May 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 214, 308, 315, 321, 328, 354, 358, 359, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411 and 412; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

May 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446,

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447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466 and 467; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

May 26, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 468, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 26, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2139, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

May 26, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 214, 308, 315, 321, 328, 354, 358, 359, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411 and 412.

**SIGNED**

May 26, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466 and 467.

**SIGNED**

May 26, 2011

The Speaker announced that he had signed the following: Senate Joint Resolution No. 468.

**MESSAGE FROM THE HOUSE**

May 26, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 40, 64, 69, 77, 113, 256, 261, 266, 267, 343, 389, 424, 439, 476, 509, 541, 542, 546, 567, 601, 633, 688, 690, 725, 730,

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772, 775, 827, 852, 923, 932, 943, 1100, 1161, 1205, 1239, 1334, 1348, 1420, 1445, 1550, 1598, 1666, 1671, 1684, 1707, 1850, 1851, 1915, 1996, 2008 and 2119; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 26, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 214, 308, 315, 321, 328, 354, 358, 359, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411 and 412; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 26, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467 and 468; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

May 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 127, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 40, 64, 113, 256, 261, 267, 343, 509, 546, 688, 725, 852, 923, 932, 1161, 1205, 1239, 1334, 1348, 1598, 1850, 1851, 1915, 1996, 2008 and 2119; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

May 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 214, 308, 315, 321, 328, 354, 358, 359, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412 and 437; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 27, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466 and 467; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

May 27, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 88, 102, 219, 220, 307, 449, 572, 703, 710, 714, 1065, 1086, 1262, 1265, 1483, 1582, 1710 and 1936; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

May 27, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 741, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

May 30, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 16, 170, 178, 203, 206, 226, 232, 609, 616, 763, 813, 814, 905, 1007, 1023, 1140, 1192, 1258, 1288, 1431, 1448, 1539, 1541, 1571, 1602, 1659, 1721, 1771, 1776, 1788 and 1951; and Senate Joint Resolutions Nos. 111 and 200; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

May 31, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 69, 77, 266, 389, 424, 439, 476, 541, 542, 567, 601, 633, 690, 730, 772, 775, 827, 943, 1100, 1420, 1445, 1550, 1666, 1671, 1684 and 1707; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**SIGNED**

June 1, 2011

The Speaker announced that he had signed the following: Senate Joint Resolution No. 127; and House Bill No. 2139.

**MESSAGE FROM THE GOVERNOR**

June 1, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 40, 64, 113, 343, 688, 923, 1161, 1205, 1334, 1348, 1598, 1850, 1851, 1915 and 1996; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

June 2, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 413, 414, 415, 416, 417, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466 and 467; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

June 3, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 214, 308, 315, 321, 328, 354, 358, 359, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412 and 437; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

June 6, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 69, 77, 256, 261, 266, 267, 389, 439, 476, 509, 541, 542, 546, 567, 601, 633, 690, 725,

**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

730, 772, 775, 827, 852, 932, 943, 1100, 1239, 1420, 1445, 1550, 1666, 1671, 1684, 1707, 2008 and 2119; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

June 7, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 424, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE HOUSE**

June 9, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 127, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

June 13, 2011

The Honorable Tre Hargett  
Secretary of State  
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

An error has been discovered in Senate Bill No. 1258 / House Bill No. 1040 (assigned Public Chapter 340).

As such, please let this letter serve as notice that Public Chapter 340 is suspect and we hereby request that action be taken on this matter. A reenrolled, corrected version will be forwarded to your office following signatures from the respective Speakers and the Governor.

With best wishes, I remain

Yours truly,

/s/ M. Scott Sloan

Chief Engrossing Clerk of the Senate

**ENROLLED BILLS**

June 13, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 1258, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.



**SATURDAY, MAY 21, 2011 -- 39TH LEGISLATIVE DAY**

**SIGNED**

June 16, 2011

The Speaker announced that he had signed the following: Senate Bill No. 1258.

**MESSAGE FROM THE HOUSE**

June 16, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1258, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

June 16, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 1258, for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

June 16, 2011

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 1258, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE HOUSE**

June 27, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2155 and 2157, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

July 1, 2011

The Speaker announced that he had signed the following: House Bills Nos. 2155 and 2157.